THE GENERAL RULES AND CIRCULAR ORDERS OF THE CALCUTTA HIGH COURT,

(CIVIL SIDE.)

VOL. II.

September, 1868 *to September*, 1871.

EDITED WITH AN INDEX, &c.

BY

C. D. FIELD, M. A., LL. D.

OF THE INNER TEMPLE, BARRISTER-AT-LAW; AND OF H. M.'S BENGAL CIVIL SERVICE.

CALCUTTA:

PRINTED BY C. B. LEWIS, AT THE BAPTIST MISSION PRESS.

PUBLISHED BY

THACKER, SPINK AND CO.

5, GOVERNMENT PLACE.

347.9
C.144.F

3741

BENGAL LEGAL LIBRARY

GENERAL RULES

AND

CIRCULAR ORDERS

OF THE

CALCUTTA HIGH COURT

(CIVIL SIDE.)

Circular, No. 11.

DATED CALCUTTA, 26TH OCTOBER, 1868.

The Judges and Judicial Commissioners subordinate to the High Court are informed that the Lieutenant-Governor, on the 1st of April last, sanctioned the supply of the books named in the first list (A) on the margin for the Office Libraries of Judges and Subordinate Judges; and, on the 14th ultimo, the supply of the books specified in the second list (B), for the Libraries of

Mr. Justice Loch.

(A) 1. All the Regulations and Acts in force.
2. Macnaghten's Hindoo and Mahomedan Law.
3. Dyabhaga (or Mitakshara where that law applies)
4. Duttaka Chundrica and Mimansa.
5. The Weekly Reporter from the commencement to the end of 1865.
6. Norton on Evidence.
7. Broughton's Act VIII of 1859, New Edition.
8. Thomson on Limitation of Suits.

Moonsiffs.

(B) 1. Regulations and Acts in force.
2. Macnaghten's Hindoo and Mahomedan Law.
3. Dyabhaga (or Mitakshara).
4. The Full Bench Rulings of the High Court about to be brought out by the Council for Law Reporting in Bengal.
5. Norton on Evidence.

2. Such of the Moonsiffs as understand English will be supplied with the books sanctioned for them in that language.

3. The above information,

as far as it relates to Subordinate Judges and Moonsiffs, should be communicated to those Officers.

Circular, No 12

DATED CALCUTTA, THE 27TH NOVEMBER, 1868.

The Court direct that in future blank Statements be not sent up with Civil Quarterly Statements, as they only cumber the Office. Whenever therefore any statement is blank, a note to that effect will be entered at the foot of Statement No. 1 and the blank Statements will not be sent up

Mr. Justice Loch
" Bayley
" L S. Jackson

Circular, No. 13.

DATED CALCUTTA, 23RD DECEMBER, 1868.

It is hereby notified for general information that the Civil Courts, subordinate to the High Court, will be closed in the year 1869, on the days indicated in the annexed list, which will be observed in the Lower and Extra Regulation Provinces until further orders shall be issued as regards the holidays in the districts of the Province of Behar.

The Chief Justice
Mr Justice Loch
" Bayley
" L S Jackson.
" Macpherson

2 The Civil Courts are not to be closed except on the holidays authorised as above.

List of the authorized Holidays for the year 1869.

Names of Holidays.	English Date.	Bengali Date.	Days of the Week.	Number of Days.	Remarks.
New year's day and the two days following,	1st to 3rd January,	19th to 21st Pous, 1275.	Friday to Sunday,	3 days.	
Eed-ul-fitr,	15th and 16th January,	3rd and 4th Maugh,	Friday and Saturday,	2 days.	If the Moon be visible on the 18th, the Court will be closed on the 14th and 15th January.
Bussunt Punchoomee,	17th and 18th January,	5th and 6th Maugh,	Sunday and Monday,	2 days.	
Day after the Eclipse of the Moon,	28th January,	16th Maugh,	Thursday,	1 day.	
Shibu Rattri,	9th and 10th February,	28th and 29th Maugh,	Tuesday and Wednesday,	2 days.	
Dole Jattra,	26th and 27th February,	16th and 17th Falgoon,	Friday and Saturday,	2 days.	
Baroonee Gunga-Snan,	11th March,	29th Falgoon,	Thursday,	1 day.	
Sreeram Nubbomee,	22nd March,	10th Choitro,	Monday,	1 day.	
Eed-uz-zoha,	25th and 26th March,	13th and 14th Choitro,	Thursday and Friday,	2 days,	If the Moon be visible on the 14th, the Court will be closed on 24th and 25th March.
Good Friday and the day following,	2nd and 3rd April,	21st and 22nd Choitro,	Friday and Saturday,	2 days.	
Mohabishan Sankranti,	11th April,	30th Choitro,	Sunday,	1 day.	
Moharram,	20th to 24th April,	9th to 13th Bysack, 1276,	Tuesday to Saturday,	5 days,	If the Moon be visible on the 13th, the Court will be closed from the 19th to 23rd April.
Queen's Birth-day.	24th May,	12th Joistee,	Monday,	1 day.	
Akheri Chaharshumba,	9th June,	28th Joistee,	Wednesday,	1 day.	
Dushohara Gunga-Snan,	19th June,	6th Assar,	Saturday,	1 day.	
Fatteh doaz duhum,	23rd June,	10th Assar,	Wednesday,	1 day,	If the Moon be visible on the 11th, the Court will be closed on the 22nd June.
Ruth Jattra,	11th July,	28th Assar,	Sunday,	1 day.	
Oolta Ruth,	18th July,	4th Srabun,	Sunday,	1 day.	
Day after the Eclipse of the Moon,	24th July,	10th Srabun,	Saturday,	1 day.	
Junmostomee,	30th and 31st August,	15th and 16th Bhadro,	Monday and Tuesday,	2 days.	
Dusserah Vacation, including Mohaloya, Lukhipooja, Dewalee, and Bhratriditia,	5th October to 9th November,	20th Assin to 21st Kartick,	Tuesday to Friday	32 days.	
Juggutdhatree Poojah,	12th and 13th November,	28th and 29th Kartick,	Friday and Saturday,	2 days.	
Kartick Poojah,	14th and 15th November,	30th Kartick and 1st Aughran,	Sunday and Monday,	2 days.	
Shub-e-Barrat,	19th November,	5th Aughran,	Friday,	1 day,	If the Moon be visible on the 6th, the Court will be closed on the 20th November.
Christmas-day and the two days following,	25th to 27th December,	11th to 13th Pous,	Saturday to Monday,	3 days.	

Circular, No 1.

DATED CALCUTTA, THE 11TH JANUARY, 1869.

To

To the Judge of the Small Cause Court of

1 Kishnaghur.
1½ Santipore.
2 Magoorah.
3 Hooghly.
4 Kooshtea, Meherpore and Choadanga.
5 Dacca.
6 Sealdah and Howrah.
7 Cuttack.
8 Rajshahye.
9 Pubna
10 Moorshedabad.
11 Patna.
12 Midnapore.
13 Jessore.
14 Burrisal.
15 Monghyr.
16 Muzufforpore.

The High Court being desirous of ascertaining the actual amount expended monthly in your Court on account of stationery, I am directed to request that you will be good enough to furnish me with that information at your earliest convenience. The Court assume that, where two or three Small Cause Courts are placed under a single Judge, there must be an allowance for each Court. The amount sanctioned by Government for this purpose (*viz.*, Rs. 2 per mensem) may be quite sufficient for some of the these offices, though it may not be adequate for those in Sudder Stations.

Circular, No. 2.

DATED CALCUTTA, THE 27TH JANUARY, 1869.

[Superseded by No. 5, dated 12th March, 1869].

Circular, No. 3.

DATED CALCUTTA, THE 15TH FEBRUARY, 1869.

[The first Circular issued of this No. and date was cancelled, and the following substituted therefor by Memorandum No. 2, dated 12th March, 1869.]

It is hereby notified that the Civil Courts of the Districts* in the Province of Behar will not be closed on the following holidays of the list appended to the Circular Order, No. 13 of the 23rd December last, *viz.*

The Chief Justice.
Mr. Justice Loch.
„ Bayley.
„ Norman.
„ L. S. Jackson.

* Bhaugulpore, Gya, Patna, Sarun, Shahabad and Tirhoot.

Ruth Jatra, ...	1 day.
Oolta Ruth, ...	1 „
Juggutdhatree Poojah, ...	2 days.
Kartick Poojah, ...	2 „

but that six days will be allowed for the Chutter Mêla from the 15th to 20th November, both days inclusive.

Circular, No. 4.

DATED CALCUTTA, THE 15TH MARCH, 1869.

The Court lays down the following Rule for observance in all Civil and Criminal Courts subject to its control.

The Chief Justice.
Mr. Justice Loch.
„ Bayley.
„ Norman.
„ L. S. Jackson.

With the permission of the Presiding Judge, any Advocate or Pleader may address the Court in English, when any one of the Pleaders on the opposite side is acquainted with that language, or whenever the senior of such Pleaders or his clients consents to this being done.

Circular, No. 5.

DATED CALCUTTA, THE 12TH MARCH, 1869.

The Court having reason to believe that the sanction of Government to the forms submitted by them cannot be received in time to admit of their being used in the preparation of the annual statements for the past year, I am directed in supersession

Mr. Justice Loch.

CIVIL.

* C. O. No. 2, dated 27th January, 1869.

CRIMINAL.

C. O. No. 2, dated 22nd January, 1869.

of the Circular Orders noted in the margin,* to request that you will submit the statements which accompany your annual report with as little delay as possible in the forms heretofore in use.

Circular, No. 6.

DATED CALCUTTA, THE 31ST MAY, 1869.

Circular Order, No. 6, dated 18th February, 1867, is hereby cancelled, and the following rule laid down for general observance:

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

RULE.

2. In all cases in which the record is called for on appeal, the Lower Court, in sending it up to the High Court, shall send both A. & B. Nuthis.

Circular, No. 7.

DATED CALCUTTA, THE 16TH JULY, 1869.

[Cancelled by C. O., No. 18, dated the 23rd June, 1870.]

Circular, No. 8.

DATED CALCUTTA, THE 26TH JULY, 1869.

The Civil Authorities of the Regulation and Extra-Regulation Provinces are informed that, following the rule laid down in Circular Order, No. 73 of the 6th March, 1840, no application from any Judicial Officer subordinate to a District Judge, for transfer to another

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" Norman.
" L. S. Jackson.

district, will be attended to, unless sent through the Judge of his district; and it is requested that this resolution may be communicated to all Officers in the subordinate judicial service by the Judges of their respective districts.

Circular, No. 9.

DATED CALCUTTA, THE 1ST SEPTEMBER, 1869.

Mr. Justice Loch.

The Court request to be informed whether you are restricted to any particular monthly sum for the purchase of stationery and charge for book-binding, &c., for your Court, and if so, whether the sum fixed is sufficient for that purpose. You will also state whether the sums allowed by Circular Order, No. 1407 A, of the 17th December 1862, for the Courts of Principal Sudder Ameens (now Subordinate Judges) and Moonsiffs, *viz.*, Rs. 15 and Rs. 8 a month respectively, is sufficient to meet the requirements of those Courts, and if not, what sum you would recommend in each case.

Circular, No. 10.

DATED CALCUTTA, THE 22ND SEPTEMBER, 1869.

Mr. Justice Loch.
" Bayley.
" Norman.
" Kemp.

The Registrar General of Assurances being desirous of the assistance and co-operation of Zillah Judges with a view to the more accurate definition of those Moonsiffees which are imperfectly described in the list of the districts and subdistricts appended to his new edition of the Registration Manual, the Court request, at the instance of His Honor the Lieutenant-Governor, that all District Judges and Judicial Commissioners will render the Registrar General all the assistance in their power in obtaining the requisite information.

Circular, No 11

DATED CALCUTTA, THE 7TH OCTOBER, 1869

The Chief Justice
Mr Justice Loch.
" Bayley.
" Norman
" Kemp.

A copy of a Resolution, passed by the High Court, on the 25th of May last, embodying rules for the payment of tullubana on account of the service of notice to respondents in appeals in civil cases preferred to the High Court, is forwarded herewith for the information and guidance of all Civil Courts; and the attention of those officers is, at the same time, drawn to C. O. No. 10, of the 26th of April, 1864; and they are required, in every instance in which the instructions of that Circular are not complied with, to specify the reasons of such non-compliance.

2. The sanction and approval of His Honor the Lieutenant-Governor having been obtained to the system of payments introduced by the rules, that system will be brought into effect in respect of all appeals to the High Court from and after the 1st of December next.

3. The attention of all Civil Courts is specially drawn to Rule 4, which requires them, on receipt of the High Court's precept calling for the record and transmitting the notices of appeal, at once to cause service of notice without requiring further payment of tullubana, or action on the part of the appellant, except that "the appellant, or any one employed by him," is to "be at liberty to accompany the serving officer for the purpose of pointing out the residence of the respondent."

4. Their attention is also drawn to the provisions of Rules 5 and 6, and the latter clause of Rule 10.*

---

* See in continuation, Circular, No. 17, dated 21st December, 1869.

HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

The 26th of May, 1869.

PRESENT:

THE HON'BLE SIR B. PEACOCK, *Chief Justice*,

AND

THE HON'BLE G. LOCH,
" " H. V. BAYLEY,
" " J. P. NORMAN,
" " L. S. JACKSON,
} *Judges of the Court.*

Read a report from the Deputy Registrar containing suggestions for the alteration of the table fixing the time allowed for service of the notices on the respondents in appeals preferred to the High Court, and the Minute of the Hon'ble the Chief Justice thereon.

Read also the draft Rule for the deposit of process fee in the treasury of the Collector of the 24-Pergunnahs, and the letter of the Under-Secretary to the Government of Bengal, No. 6721, dated the 24th of December, 1867.

IT IS ORDERED,

1. That the Time Table A hereto annexed be adopted, and a copy sent for guidance to the several Zillah Courts.

2. That, upon obtaining the sanction and approval of His Honor the Lieutenant-Governor of Bengal, it be ordered that, from and after the first day of May next, the cost of service of notice on the respondent in every appeal in a civil case preferred to the High Court shall be paid at the High Court at the time of presenting the appeal, by an adhesive stamp, of such description, as shall be issued for that purpose to be affixed to the petition of appeal. The amount to be so paid shall be 3 Rs. if there be only one respondent, or one rupee and eight annas for each respondent to be served, to which shall be added—an

account of boat hire, &c., in respect of respondents to be served in any district mentioned in the annexed Table B, in the months specified—the sums respectively set down, one such payment for each appeal.

3. That a separate account be kept of such stamp duty.

4. It is further ordered that the precept of this Court calling for the record and transmitting the notices of the appeal, shall direct that the notices be served; and it shall be the duty of the Lower Court thereupon to cause service of the notices without further payment of Tullubana or action by the appellant; provided that the appellant, or any one employed by him, shall be at liberty to accompany the serving officer for the purpose of pointing out the residence of the respondent.

5. That the Lower Courts shall issue all notices received for service immediately on receipt thereof, and that in their return of service, in every instance, the Lower Courts shall be required to insert the date of receipt by them of the notice, the date on which it was made over to the serving officer, and the date on which it was received back from him.

6. That every return of service, or of failure to serve the notice, be accompanied by the affidavit or solemn declaration of the serving officer, specifying the fact and the mode of service or the reason why service could not be effected in any of the modes allowed by law. It shall be the duty of the Lower Court to cause the notice to be served in sufficient time before the date fixed, and, if such service be impracticable, to state the reasons for which service cannot be effected; and thereupon a fresh date shall be fixed by the High Court. In every case the Court making the return is to satisfy itself that a valid service has been made, or that there has been a failure of service, and shall certify such opinion to this Court, with the reasons, in case of a failure of service.

7. That the time allowed for service of the notice shall be specified therein by the Deputy Registrar in accordance with the table of time now adopted, and shall commence from the date

on which it is despatched, which shall in general be within three days at the latest from the date on which the appeal is filed.

8. That the date to be fixed by the Deputy Registrar for the hearing of the appeal shall be the 7th day after that on which the time allowed for service of the notice expires, provided it be not a Sunday or holiday, and in that case the first business day afterwards.

9. That, if there be several respondents to be served, and they do not all reside in the same district, the time for service of the notices and for hearing shall be fixed with reference to that district for which the longest time is allowed in Table A.

10. That in every instance in which it shall appear that the respondent, or any one of the respondents to be served, resides in any district other than that from which the appeal comes, the Deputy Registrar, in fixing the time for service and for the hearing of the appeal, shall add a sufficient time for sending the notice from the district from which the appeal comes to the district in which any notice is to be served; and the Court which serves any notice sent through the Lower Court shall make its return of service, or of the failure of service, as the case may be, direct to the High Court, and shall be guided by Rules 5 and 6.

11. That the endorsement on every paper-book prepared hereafter for the use of the Court at the hearing of the appeal, shall, in addition to the other matters at present specified in such endorsement, contain—

The date on which the appeal is filed;

The date on which the notice is sent out;

The date of service of notice;

The date on which the record is received from the Lower Court; and,

The date on which the appeal is ready for hearing and the paper-book prepared.

12. That in appeals in which the respondent shall not have appointed a vakeel up to the date of the preparation of the

paper-book, an appendix containing the deposition of the serving officer, and the return, and the remarks of the Lower Court as to the service, shall be added to the paper-book either in transcript or translation, according as they may be in English or the Vernacular.

That a copy, and, where necessary, a translation, of these Rules be transmitted to each of the Zillah and other subordinate Courts for information and guidance; and that their attention be drawn to the Circular Order of this Court, No. 10, dated the 26th of April, 1864;* and that they be required in every instance in which the instructions contained in the Circular Order are not complied with, to specify the reasons of such non-compliance.

That a copy of these Rules be hung up in each of the two libraries, and at the main entrance of the Court House for general information.

A.

Time Table.

District.	Number of Days allowed for service of Notice of Appeal on the Respondent.	District.	Number of Days allowed for service of Notice of Appeal on the Respondent.
Akyab, ...	50	Dinagepore, .	31
Arracan, ...	50	Gyah, ...	33
Assam (including Eastern Dooars), .	50	Hooghly, ...	25
Backergunge, ...	35	Jessore, ...	29
Beerbhoom, ...	23	Midnapore, ..	27
Bhaugulpore, ...	31	Moorshedabad, ...	23
Burdwan, East, ..	23	Moulmein, ...	50
Burdwan, West, ..	25	Mymensingh, ..	35
Cachar, ...	50	Nuddea, ...	29
Cherrapoonjee, ...	50	Patna, ...	31
Chittagong, ...	35	Purneah, ...	33
Chota Nagpore, ...	40	Rajshahye, . .	31
Cooch Behar, (including Western Dooars), ...	50	Rungpore, ..	33
		Sarun, ...	31
		Shahabad, ...	31
Cossiah and Jyntee-ah Hills, ...	50	Sylhet, ...	35
		Tipperah, ...	37
Cuttack, ...	35	Tirhoot, ...	33
Dacca, ...	29	Twenty-four Pergunnahs, ...	25

* See page 76 of the previous volume.

B.

Table of Charges for Boat-hire and Ferry-toll.

Districts.	Amount to be charged.	The period during which the charge is to be made.
	Rs. A. P.	
Backergunge, (whole district), ...	1 0 0	All the year.
Bhaugulpore, ...	1 0 0	June to October inclusive.
Chittagong, ...	0 8 0	All the year.
Cuttack, ...	0 4 0	June to November inclusive.
Dacca, ...	3 0 0	All the year.
Dinagepore, ...	1 8 0	June to October inclusive.
Jessore, ...	3 0 0	All the year
Moorshedabad, ...	1 0 0	June to October inclusive.
Mymensingh, ...	3 0 0	Ditto.
Purneah, ...	2 0 0	Ditto.
Rajshahye, ...	1 8 0	Ditto.
Rungpore, ...	3 0 0	All the year.
Sylhet, ...	3 0 0	Ditto.
Tipperah, ...	2 0 0	June to October inclusive.
Kamroop, ...	1 8 0	All the year.
Nowgong, ...	1 8 0	June to October inclusive.
Lukhimpore, ...	1 0 0	All the year.

The practice reported from several districts of exempting from Toll peons wearing their badges and engaged in executing processes, should be made general.

Circular, No. 12.

DATED CALCUTTA, THE 3RD DECEMBER, 1869.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" Norman.
" Kemp.
" Phear.
" Macpherson.
" Glover.
" Hobhouse.

1. Notwithstanding the instructions contained in Circular Order, No. 9, of the 26th February, 1867, the Court often find it extremely difficult, and in some cases impossible, to ascertain what documents or exhibits have been actually admitted or relied on by the parties as evidence in the Lower Courts: and hence there is no security that documents and exhibits may not be used or offered

in this Court which have never been admitted in evidence or inspected by the Courts below.

2. Whilst therefore the Court take this opportunity of calling the particular attention of all Subordinate Judicial Officers to the instructions contained in the Circular Order above alluded to, and especially to paragraphs 2 and 6, and 7 to 12 of it, they direct that in future, immediately after the conclusion of the trial, the Presiding Officer shall cause to be prepared two lists, one containing all the exhibits admitted as evidence in the case, numbered with the same numbers as those by which they are respectively distinguished in the Judges' notes,—which should be in numerical order according to their reception—the other containing those that have been rejected as inadmissible, lettered alphabetically in consecutive order, and having a column for remarks in which should be entered the shortest possible explanation of the reason of their rejection.

Rejected exhibits after being endorsed are returned to the party producing them (Section 134, C. P. C.), so that the Judge must prepare the list of rejected exhibits from his own notes.

3. The lists shall distinguish the exhibits put in or offered on the part of the plaintiff from those put in or offered on the part of the defendant, and shall be signed by the Presiding Officer and shall form part of the record.

Circular, No. 13.

DATED CALCUTTA, THE 7TH DECEMBER, 1869.

Mr. Justice Loch.

No alteration having yet been made in the forms in which the annual returns, Civil and Criminal, are to be made to the Court, I am directed to request that the statements which accompany your Administration Report for 1869, may be submitted in the forms heretofore in use.

2. I am at the same time to draw your attention to paragraph 3, of Circular Order No. 107, dated 25th November,

1850, and to remind you that the Court will expect your report and returns for the current year by the 1st February, 1870.

Circular, No. 14.

DATED CALCUTTA, THE 16TH DECEMBER, 1869.

Mr. Justice Loch.
„ Bayley.
„ Norman.
„ L. S. Jackson.

The Court direct that an Alphabetical List may be made by every District Judge and Judicial Commissioner, after reference to the records of the Revenue Survey, of the villages in his district shewing the Thannah and Munsifee jurisdiction in which each village is situated. The list should be prepared in the form adopted by the Judge of the 24-Pergunnahs, as indicated at foot, and should be prefaced with an abstract statement on a distinct sheet, exhibiting in three columns *the names of Munsifees, the Sub-Divisions with which they are conterminous, and the Thannahs comprised in each Chowkey.*

2. The Court desire, at the same time, that it be understood that the statements contained in such lists are not to be taken as conclusive and irrebuttable evidence as regards the jurisdiction within which the villages therein enumerated are situated.

* *Alphabetical List of of Mouzahs in the District of*

Number of Mouzah in the list prepared by Boundary Commissioner.	Name of Mouzah.	Thannah in which the Mouzah is situated.	REMARKS.

See C. O. No. 3, dated the 15th February, 1870.

Circular, No. 15.

DATED FORT WILLIAM, THE 18TH DECEMBER, 1869.

The High Court of Judicature hereby authorizes the closing of the subordinate Civil Courts in the districts under its jurisdiction, except in the districts comprised in the province of Behar and named in the margin, on the dates specified in the annexed list, being the Christian and Native Holidays permitted to be observed in the ensuing year.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" Norman.
" L. S. Jackson.

Bhaugulpore.
Gyah.
Patna.
Sarun.
Shahabad.
Tirhoot.

2. The Courts are not to be closed except on the days specified; and this order is not to be taken as justifying the refusal to do any act, or make any order, for which emergent application may be made, and which may be lawfully made or done out of Court.

List of authorized Holidays for the year 1870.

NAMES OF HOLIDAYS	ENGLISH DATE	BENGALI DATE	DAYS OF THE WEEK	NUMBER OF DAYS	REMARKS
New year's day and the two days following,	1st to 3rd January,	18th to 20th Pous, 1276,	Saturday to Monday	3 days	
Eed-ul fitr,	4th and 5th January,	21st and 22nd Pous, 1276,	Tuesday and Wednesday,	2 days,	If the Moon be visible on the 2nd, the Court will be closed on the 3rd and 4th January,
Day after the Echpse of the Moon,	18th January,	6th Maugh,	Tuesday,	1 day	
Bussunt Punchoomee,	5th and 6th January,	24th and 25th Maugh,	Saturday and Sunday,	2 days	
Shubu Rattri,	26th February and 1st March,	18th and 19th Falgoon,	Monday and Tuesday,	2 days	
Eed uz zoha,	14th and 15th March,	2nd and 3rd Chaitro,	Monday and Tuesday,	2 days,	If the Moon be visible on the 3rd, the Court will be closed on the 13th and 14th March.
Dole Jattra,	17th and 18th March,	5th and 6th Chaitro,	Thursday and Friday,	2 days	
Baroonee Gunga Snan,	29th March,	17th Chaitro,	Tuesday,	1 day	
Mohurrum, including Sree Ram Nobomee and Mohabisub Sunkrantee,	9th to 13th April,	28th Chaitro to 1st Bysack, 1277,	Saturday to Wednesday,	5 days,	If the Moon be visible on the 2nd of April, the Court will be closed from the 8th to 12th April
Good Friday and the day following,	15th and 16th April,	3rd and 4th Bysack,	Friday and Saturday,	2 days	
Queen's Birth day,	24th May,	11th Joisto	Tuesday,	1 day	
Akheri Chaharshumba,	25th May,	12th Joisto,	Wednesday,	1 day	
Dushohara Gunga-Snan,	9th June,	27th Joisto,	Thursday,	1 day	
Eattéhé-doaz-duhum,	13th June,	31st Joisto,	Monday	1 day,	If the Moon be visible on the 31st May the Court will be closed on the 12th June
Ruth Jattra,	30th June,	17th Assar,	Thursday,	1 day	
Oolta Ruth,	8th July,	25th Assar,	Friday,	1 day,	
Day after the Echpse of the Moon,	13th July,	30th Assar,	Wednesday,	1 day	
Junmoostomee,	19th and 20th August,	4th and 5th Bhadro,	Friday and Saturday,	2 days,	
Dusserah Vacation including Mohalova, Lukhipooja, Dewalee, and Bhratridhtia,	24th Sept. to 26th Oct,	[1277 9th Assin to 10th Kartick,	Saturday to Wednesday,	33 days	
Jugnutdhatree Poojah,	1st and 2nd November,	16th and 17th Kartick,	Tuesday and Wednesday,	2 days	
Shub-e Barrat,	9th November,	24th Kartick,	Wednesday,	1 day,	If the Moon be visible on the 25th October, the Court will be closed on the 8th November
Kartick Poojah,	14th and 15th November,	29th Kartick and 1st Aughran,	Monday and Tuesday,	2 days	
Christmas-day and the two days following, including Eed-ul-fitr,	25th to 27th December,	11th to 13th Pous, 1277,	Sunday to Tuesday,	3 days,	If the Moon be visible on the 23rd, the Court will be closed from the 24th to 27th December

Circular, No. 16.

DATED CALCUTTA, THE 21ST DECEMBER, 1869.

The High Court of Judicature hereby authorizes the closing of the Subordinate Civil Courts in the Districts as per margin* comprised in the Province of Behar, on the dates specified in the annexed list, being Christian and Native holidays permitted to be observed in the ensuing year.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" Norman.
" L. S. Jackson.

* Bhaugulpore.
Gya.
Patna.
Sarun.
Shahabad.
Tirhoot.

2. The Courts are not to be closed except on the days specified, and this order is not to be taken as justifying the refusal to do any act, or make any order for which emergent application may be made, and which may be lawfully made or done, out of Court.

List of the authorized Holidays for the year 1870.

Names of Holidays.	English Date.	Bengali Date.	Days of the Week.	Number of Days.	Remarks.
New-year's day and the two days following, ...	1st to 3rd January, ...	18th to 20th Poos, 1276, ...	Saturday to Monday, ...	3 days.	
Eed-ul-fitr, ...	4th and 5th January, ...	21st and 22nd Poos, ...	Tuesday and Wednesday,	2 days, ...	If the Moon be visible on the 2nd, the Court will be closed on the 3rd and 4th January.
Day after the Eclipse of the Moon,...	18th January, ...	6th Maugh, ...	Tuesday, ...	1 day.	
Bussunt Punchoomee, ...	5th and 6th February, . .	24th and 25th Maugh, ...	Saturday and Sunday, ...	2 days.	
Shibu Rattree, ...	28th February and 1st March,	18th and 19th Falgoon, ...	Monday and Tuesday, ...	2 days.	
Eed-uz-zoha, ...	14th and 15th March, ...	2nd and 3rd Choitro, ...	Monday and Tuesday, ...	2 days, ...	If the Moon be visible on the 3rd, the Court will be closed on 13th and 14th March.
Dole Jattra, ...	17th and 18th March, ...	5th and 6th Choitro, ...	Thursday and Friday, ...	2 days.	
Baroonee Gunga Snan, ...	29th March, ...	17th Choitro, ...	Tuesday, ...	1 day.	
Mohurrum, including Sree Ram Nobomee and Mohabisub Sunkrantee,	9th to 13th April, ...	28th Choitro to 1st Bysack, 1277, ...	Saturday to Wednesday, . .	5 days, ...	If the Moon be visible on the 2nd of April, the Court will be closed from the 8th to 12th April.
Good Friday and the day following,	15th and 16th April, ...	3rd and 4th Bysack, ...	Friday and Saturday, ...	2 days.	
Queen's Birth-day, ...	24th May, ...	11th Joisto, ...	Tuesday, ...	1 day.	
Akheri Chaharshumba, ...	25th May, ...	12th Joisto, ...	Wednesday, ...	1 day.	
Dushohara Gunga Snan, ..	9th June, ...	27th Joisto, ...	Thursday, ...	1 day.	
Futtehe-doaz-duhum, ...	13th June, ...	31st Joisto, ...	Monday, ...	1 day, ..	If the Moon be visible on the 31st of May, the Court will be closed on the 12th June.
Day after the Eclipse of the Moon,...	13th July, ...	30th Assar, ...	Wednesday, ...	1 day.	
Jummostomee, ...	19th and 20th August, ..	4th and 5th Bhadur, ...	Friday and Saturday, ...	2 days.	
Dusserah Vacation, including Mohaloya, Lukhipooja, Dewalee, and Bhratriditia, ...	24th September to 26th October, ...	9th Assin to 10th Kartiek, ...	Saturday to Wednesday,...	33 days.	
Chutter Mela, ...	5th to 10th November, ...	20th to 25th Kartiek, ...	Saturday to Thursday, ...	6 days.	
Shubb Barrat, ...	9th November, ...	24th Kartick, ...	Wednesday, ...	1 day, ...	If the Moon be visible on the 25th October, the Court will be closed on the 8th November.
Christmas-day and the two days following, including Eed-ul-fitr, ..	25th to 27th December, ...	11th to 13th Poos, ...	Sunday to Tuesday, ...	3 days, ...	If the Moon be visible on the 23rd, the Court will be closed from the 24th to 27th December.

Circular, No. 17.

DATED CALCUTTA, THE 21st DECEMBER, 1869.

It is hereby notified that the Rules appended to Circular Order, No. 11, dated the 7th October last, as far as they relate to the payment of the cost of service of notice to respondents, apply also to processes in appeals to Her Majesty in Council and all other processes issued by the High Court.

Mr Justice Loch
" Bayley
" Norman.
" L S. Jackson.

Circular, Memo., No. 1.

DATED CALCUTTA, THE 13TH JANUARY, 1869.

[Relates merely to the number of examination papers required for the Pleadership Examinations.]

Circular, Memo., No. 2.

DATED CALCUTTA, THE 12TH MARCH, 1869.

[See C. O., No. 3, dated the 15th February, 1869.]

Circular Memo., No. 3.

DATED CALCUTTA, THE 4TH JUNE, 1869.

Forwards to the Civil and Criminal Authorities in the Lower Provinces, for information and guidance, the following copy of a letter from the Junior Secretary to the Government of Bengal, to the Registrar of the High Court, No 3436, and dated the 17th May, 1869.

(Copy.)

Fort William, the 17th May, 1869.

SIR,—The Lieutenant-Governor having authorized all public Officers to indent on the Alipore Jail Press direct for printed copies of Circulars which they may require instead of, as heretofore, through the Super-

Judicial—Jails.

intendent of Stationery, I am to request that you will be good enough to move the Honorable Judges of the High Court to instruct the Officers subordinate to the Court accordingly.

Circular, Memo., No. 4.

DATED CALCUTTA, THE 8TH DECEMBER, 1869.

Forwards for the guidance of all Civil Judges, as well as for the information of such persons as may have decrees of their Courts to be enforced in foreign territories, the following copy of a Resolution of the Governor-General in Council.

Extract from the Proceedings of the Government of India, in the Foreign Department (Judicial), under date, Simla, the 27th August, 1868.

Read again the following papers regarding the execution of the decrees of British Courts in foreign States :—

Resolution, No. 23, dated 31st January, 1867.

Circulars, Nos. 74 and 75, dated 10th April, 1867.

Read also the following replies to the above-mentioned Circulars :—

From Resident, Nipal, No. 2, dated 24th April, 1867.

From Political Agent, Munnipore, No. 33, dated 27th April, 1867.

From Officiating Commissioner, Mysore, No. 606-15, dated 30th April, 1867.

From Chief Commmissioner, British Burmah, No. 100 P, dated 6th May, 1867.

From Resident, Hyderabad, No. 21, dated 10th May, 1867.

From Officiating Secretary to Chief Commissioner, Oude, No. 1960, dated 29th May, 1867.

From Under Secretary, Government of Bengal, No. 4554, dated 24th July, 1867.

37.11

From Secretary to Government of Punjab, No. 275-1121, dated 25th July, 1867.

From Agent, Governor-General, Rajpootana, No. 929-12 J, dated 5th August, 1867.

From Acting Chief Secretary, Fort St. George, No. 1276, dated 7th August, 1867.

From Agent, Governor-General, Central India, No. 10-231, dated 24th August, 1867.

From Secretary to Government, North-Western Provinces, No. 292 A, dated 29th August, 1867.

From Agent, Governor-General, Central India, No. 12-252, dated 9th September, 1867.

From Secretary to Government, Bombay, No. 118, dated 19th May, 1868.

RESOLUTION.—His Excellency the Viceroy and Governor-General in Council observes that the object aimed at by the Resolution of the 31st of January 1867, which was forwarded to all Governments, Administrations, Departments, and Agencies, was to give facilities for the execution of the decrees of Civil tribunals obtained by British subjects in our own territory, by enlisting the influence of the several political authorities with the Princes and the Chiefs of Native States to which the debtor had absconded, or in which he was possessed of property.

2. It then appeared that several Political Officers objected to the Resolution in question, and the subject again came under the consideration of the Government, on the 10th of April, 1867.

3. On that occasion the Governor-General in Council explained the broad principle under which the decrees of Courts of one nation or country are recognized by the Courts of another country, and the Government declared its opinion that there was no reason why this just and equitable principle should not be recognized in India. The Governor-General in Council next proceeded to modify and explain the Resolution of the 31st of January preceding, by proposing more specific rules

for the guidance of the political authorities, and by inviting their opinions on this important question. The rules, it may be stated, comprised the following provisions :—

I.—Where there were regular Courts in Native States, the holder of a decree obtained from a British tribunal was himself to apply to such Native Courts for the execution of his decree.

II.—Where there were no regular Courts, the decree-holder was to bring the decree to the notice of the Native ruler, through the political representative of the British Government, who was to recommend to the Native Chief or Prince that effect should be given to the decree in whatever way the system of administering justice in such state would permit.

III.—The practice of reciprocity in execution of decrees between our own and Native tribunals was, if possible, to be adopted.

4. The replies to the Circular above-mentioned of the 10th of April, inviting opinions and suggestions, have been received and have been fully considered by the Government of India in Council.

5. The opinions of the experienced Officers consulted on this question differ considerably, both as to the propriety of issuing the proposed instructions and as to the possibility of attaining the end which the Government had in contemplation.

6. The Governor-General in Council sees no reason whatever to question the soundness and equity of the principle laid down in the Circular of the 10th April, 1867, nor does he cease to hope that, in process of time, regular tribunals may gradually be established in all important Native States, which shall eventually secure the confidence of suitors, which shall be reliable instruments for the execution of the decrees of British tribunals, and which in their turn shall deliver decrees such as would, in ordinary cases, be respected by our own Judges.

7. But looking to the weighty objections urged by several able and experienced Officers to the adoption of the second provision of the Circular in question, to the inexpediency of subjecting

Native Princes and Chiefs to the constant official pressure of the British representatives, to the irritation and complications to which such a course might possibly give rise, and to the probability that, in the end, the legitimate influence of high Civil or Military Officers may be weakened or diverted from its proper scope, the Government of India is not prepared to insist on carrying out the instructions which it had previously contemplated in the interest of honest and successful suitors. In future, then, all administrations and political representatives of the British Government will be guided solely by the following instructions.

8. The rule contemplated for cases and States where regular tribunals exist will still be maintained. Holders of decrees obtained in British tribunals must present them themselves, or by their lawfully-constituted Agents, for execution before such tribunals, without in any way invoking the aid or relying on the influence of the British representative. The question of reciprocity in the execution of decrees is one which the tribunals of the respective Governments must decide.

9. Where there are no regular tribunals, the political representative will, as a general rule, abstain from putting any pressure on, or using his influence with, the Chief or the Durbar, in order to the execution of a decree obtained in British territory.

10. Nor ought this determination to inflict any real hardship on claimants who successfully have resorted to our Courts for redress.

11. In many cases where large sums of money are claimed from debtors resident in British territory, such persons, if they abscond into Native States, leave either property or partners behind them in the said British territory, against whom execution may at once be taken out; and, in all cases, where plaintiffs apprehend that a defaulting debtor may abscond, or may convey away his property, the provisions of Act VIII of 1859, regarding the attachment of property while a suit is

pending, afford to all litigants, who are properly alive to their rights and position during litigation, a fair and adequate security against eventual loss by evasion or default.

12. There may occur, however, the Governor-General in Council observes, some flagrant cases in which a defaulting and absconding debtor possesses large means within the limits of Native territories, in which the default and evasion may be marked by acts of gross fraud and flagrant dishonesty, and in which, by deceit or artifice, he may have reduced the honest creditor to ruin, or have left him without the slightest prospect of redress; and there may be other peculiar circumstances which, in the judgment of the Political Officer, might render interposition on his part expedient.

13. In such cases the representative of the British power may, when applied to, most properly use his discretion in pointing out to the Chief and the Durbar the special circumstances which render intervention desirable, and may urge them to compel the defaulter to discharge his liabilities. In cases of remarkable difficulty or doubt, the Political Authority may, if he thinks fit, refer the matter to Government for orders before taking any action.

14. But it must be clearly understood that these cases will form the exception and not the rule, and that the Political Authority will only adopt this course when he is fully satisfied that the case is distinguished by exceptional circumstances, and that the claimant has been the victim of fraud and trickery and has, practically, no other means of obtaining his rights.

15. In such marked cases, the Governor-General in Council does not doubt that the moral influence and advice of the British official may be properly exerted, and that the Durbar will recognize the propriety of insisting that the evading debtor shall come to some satisfactory arrangement with his creditors.

16. The Resolution of the 31st of January is hereby cancelled, and all Officers will henceforth be guided by the principles as above laid down.

ORDER.

Ordered, that a copy of the above Resolution be forwarded to all Departments, Governments, Administrations, and Agencies.*

Circular, Memo. No. 5.

DATED CALCUTTA, THE 8TH JUNE, 1869.

Forwards for the information and guidance of Judges and Judicial Commissioners and for communications to Judicial Officers Subordinate to them the following copy of a Circular of the Bombay High Court, No. 592, dated the 19th April, 1869.

(Copy.)

Considerable delay and confusion having been found to arise, owing to documents which should go to the Prothonotary, High Court, being addressed to the Registrar, and vice versâ: the Honorable the Chief Justice and Judges direct me to request that documents intended for the Original Side of the Court

---

* Secretaries, Home, Military, Financial, and Public Works Departments.
Secretary, Government of Bombay
" " of Madras
" " of North-Western Provinces.
" " of Bengal.
" " of Punjab.
Chief Commissioner of Oudh
" " of Central Provinces
" " of British Burmah
Commissioner of Mysore
" of Coorg.
Agent, Governor-General, in Rajpootana
" " in Central India.
" " in North East Frontier.
Resident, Hyderabad
" Nipal.
Political Agent, Munnipore.
" " Turkish Arabia.

may be addressed to "The Prothonotary, High Court," and those intended for the Appellate Side to "The Registrar, High Court."

Subjoined is a list of the principal documents which should be sent to the Original Side of the Court.

All decrees or orders from the Mofussil Courts for execution by the High Court.

All Summons and notices to file Written Statement.
All Subpœnas for witnesses.
All Judge's Summons and Rules Nisi to show cause.
All notices of postponement, &c.,
All ditto issued under Section 216 of Act VIII. of 1854.

} Forwarded by the Prothonotary for service in the Mofussil Courts.

All Commissions and generally all documents forwarded by the Prothonotary to the Mofussil Courts and required to be returned to the High Court.

Circular, Memo. No. 6.

DATED CALCUTTA, THE 21ST JULY, 1869.

Forwards to Judges of Small Cause Courts, for their information and guidance, the following copy of Official Memorandum, No. $\frac{T}{1848}$ dated 12th July, 1869 from the Accountant-General, Bengal, to the Registrar of the High Court.

(Copy.)

With reference to your letter No. 1146, dated 18th March, 1869, to the address of the Judge of the Small Cause Court of Patna, I request the favor of your bringing to the notice of the High Court that, as the travelling allowances of the Nazir's Establishment of a Small Cause Court are chargeable to a Local Fund

and not to the Imperial Budget, it would be contrary to the orders of Government to include such sums in one consolidated bill with the travelling allowances of the rest of the Establishment which are provided for in the Imperial Budget.

These two classes of bills are dealt with in this Office by different Departments, and it would be very inconvenient for the amounts to be shown in one general form for your countersignature, showing the travelling allowances of all Officers as directed in your letter under reference. I would suggest therefore that, with the permission of the High Court, Small Cause Court Judges be instructed to submit two consolidated bills for your countersignature monthly, showing the travelling allowances of Officers of the Court who are paid from Imperial Revenues and from the Peons' Fee Fund respectively.

Circular, Memo. No. 7.

DATED CALCUTTA, THE 10TH DECEMBER, 1869.

Forwards to all Civil Judges and Judicial Commissioners for information and guidance the following copy of a letter No. 1283 of 1869, dated Lucknow, the 4th October, 1869, from the Judicial Commissioner of Oudh to the Registrar of the High Court, Calcutta.

(Copy.)

SIR,—I have the honor to request that all processes in Civil Suits forwarded for service on persons residing in the city or station of Lucknow may be addressed to the Civil Judge, and not to the Deputy Commissioner of Lucknow, as the latter has no Civil jurisdiction within the city or station.

Circular, No. 1.

DATED CALCUTTA, THE 25TH JANUARY, 1870.

As the Governor-General in Council has approved of the proposal to assimilate the boundaries of Civil and Criminal Jurisdictions in Bengal, and the Lieutenant-Governor believes that such an assimilation will lead to a better adjustment and more economical distribution of work than obtain at present, results which it is especially desirable to secure at this time when the trial of rent cases under the provisions of Act VIII (Bengal Council) of 1869 is about to throw increased work upon the Civil Courts; the High Court, at the instance of the Lieutenant-Governor, requests all District Judges, in communication with Commissioners of Divisions and the Boundary Commissioner, at once to take up the question, and to submit schemes for giving effect to the measure in order that if possible all necessary arrangements may be completed before the 11th April next, the date on which Act VIII (Bengal Council) of 1869, is to come into operation.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" Norman.
" L. S. Jackson.

Circular, No. 2.

DATED CALCUTTA, THE 14TH FEBRUARY, 1870.

By a Circular Order of the late Sudder Court, dated 21st October, 1851, No. 29, the Zillah Judges, Principal Sudder Ameen (Subordinate Judges), and Moonsiffs are requred to keep a book called "Bahi Yaddusht" in which all orders, final and interlocutory, in regular suits and appeals, and also (paragraph 6) orders in miscellaneous and summary cases, are to be entered as soon as they are passed, and attested by the signatures of the Vakeels of parties concerned.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

2. It has been brought to the notice of the Court that the directions contained in this Circular Order are not, in all cases, exactly observed. Some parts of the order itself have become obsolete, and the Court think proper to make further and other directions in the matter.

3. The following general rules are therefore prescribed in supersession of the order in question, and a strict observance of them is enjoined upon the several Courts :—

I.—In every Civil Court subordinate to the High Court at Fort William in Bengal, there shall be kept a book to be called "The Diary of the Court of at "
(in the vernacular languages the term Roznamcha may be used.) These books will be supplied to each Court from the Stationery Office, with the pages numbered in type and substantially bound, and no book is to be used for the purpose except those so supplied.

II.—In this book shall be recorded the whole of the proceedings of the Court to which it belongs on every successive day of sitting, including every matter which may come before the Court, and every order made, whether final or otherwise : the record shall be in the handwriting either of the presiding Judge or of the principal Ministerial Officer in attendance. It shall be legible and neatly kept.

III.—The record of each day shall commence with the name and official designation of the presiding Judge, and with a statement of the hour at which the sitting began, and shall terminate with a statement of the hour at which the Court rose for the day.

IV.—The entry of every order affecting any party before the Court shall be signed, in the space left for that purpose in the margin of the book, by the party or parties or by their pleader or pleaders : and the entries for the day shall be signed at the end thereof by the Judge on each day before he leaves the Court.

V.—It shall be the duty of the Zillah Judge or Judicial Commissioner, at every inspection of a Subordinate Court, to

satisfy himself, and report to the High Court, that the Diaries have been kept in precise conformity with these rules; or, if they have not been so kept, he will take proper order in the matter and report the circumstance for the information of the High Court. The fact of such inspection by the Zillah Judge should be noted in the book under his signature with a statement of the condition in which he found it.

VI.—The Diary should be kept in the custody of the Serishtadar of each Court or of such Officer as the Court may specially appoint for that purpose, and should not be transmitted to the Sudder Station of the Zillah Judge for inspection.

VII.—Every Judge, Subordinate Judge, or Moonsiff, should take care to furnish himself, from the Stationery Office, with a new book at least one month before the book in use is completely filled.

VIII.—As the Subordinate Courts have now by law complete control over their own Establishments, and as the recent increase in salaries enables them to obtain the services of competent Officers, the High Court will expect these rules to be observed without failure.

IX.—The Diaries shall come into use from the 1st May next.

Circular, No. 3.

DATED CALCUTTA, THE 15TH FEBRUARY, 1870.

In continuation of Circular Order No. 14 of 16th December last, the Court direct that the preparation of the list therein enjoined be delayed in those districts in which the assimilation of the boundaries of the Civil and Criminal jurisdictions referred to in Circular Order No. 1 of 25th ultimy has not been completed. As soon as this has been accomplished, the list should at once be prepared in the vernacular of

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

the district, except in the 24-Pergunnahs, where it has been found more convenient to draw it up in English.

Circular, No. 4.

DATED CALCUTTA, THE 18TH FEBRUARY, 1870.

The Court Fees' Bill being about to pass into law, the Government of Bengal has suggested that advantage might be taken of this opportunity to revise and possibly to re-organise the agency for serving processes throughout the country.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" Phear.

2. The extract from a letter from the Government of Bengal to the Court, given on the margin, contains a brief explanation of the two schemes which have been proposed with this object. It has been reproduced here in order that all controlling Judicial Authorities may be able to communicate to the Court any observations they may desire to offer thereon.

The Lieutenant-Governor thinks it very possible that the agency for serving processes throughout the country might be so re-organised as to increase its efficiency at a positive saving of expenditure. Already a proposal made by Mr. Toogood, the Judge of Beerbhoom, for amalgamating into one establishment the process Peons of the different Civil Courts at the same station is under the consideration of the High Court. His Honor ventures to suggest to the Court that before framing the rules which are to be drawn up when the Court Fees' Bill has been passed into law, they should consider whether it would not be a good arrangement to form in each district a single Nazarut Department, to be placed under the Collector-Magistrate, which should be responsible for serving the processes of all the Civil Courts in the district and of the Criminal Courts in non-cognizable cases. The Lieutenant-Governor conceives that the whole process establishment in a district might well be superintended by a Native Head Nazir or Sheriff on an adequate salary, he has no doubt that the measure would be attended with a great financial saving, and with a great increase of efficiency

3. As Mr. Toogood's proposal involves a considerable change in the existing establishments, the Court has suggested to Government to furnish every Zillah Judge and Judicial Commissioner with a copy of his letter in which the details of the scheme are given.

4. Adverting to Clauses 1 and 2, Section 20 of the amended Court's Fees Bill of 1870, published at page 84 of the *Calcutta Gazette*, of January 26th last, the Court request that the Officers above mentioned will, within one month from the receipt of this order, submit the following Statements :—

No. 1 showing the number of Peons that will be required for the service and execution of all processes issuing out of their own and the Subordinate Civil Courts of their respective districts, the estimated cost of the entire establishment, including the salaries of Nazirs, of the necessary staff of subordinate Officers, such as Mohurrirs, Naibs, Buxees, or the like, to be calculated with a view to efficiency and at the same time to economy, and of all contingent expenses so far as these last can now be calculated. This Statement will also exhibit the difference between the cost of the present and the proposed establishments.

No. 2 showing the entire number of processes issued out of all the Civil Courts of each district during the years 1867, 1868, 1869, the cost of the agency employed in serving them, and the average cost of serving each process.

5. It should be borne in mind that, as the jurisdiction in rent-suits will be, under the operation of Act VIII of 1869 B. C., when that law comes into force, transferred to the Civil Courts, an adequate establishment will have to be provided for the service of processes in those cases. The information which the Judge must necessarily be in possession of before he can with any certainty determine what additional agency he will require for this purpose, can only be supplied by the Collector, whose cordial co-operation should be invited. As, moreover, the information given in No. 2 will form the basis of the Court's calculation in fixing the amount of fees chargeable for serving and executing processes, it is very desirable that this should be as complete and accurate as possible; and if any statistics can be obtained regarding the number of processes in rent-suits issued out of the Revenue Courts during the three

years above mentioned and of the cost of the serving agency, they will be of the greatest assistance.

6. The Court trust that the Officers to whom this Circular is addressed will do all in their power by carefully scrutinizing the Returns made by their subordinates to secure the ends which the Court have in view by the accuracy of the information required and expedition in furnishing it.

STATEMENT No. 1 *showing the number and cost of the process-serving Establishment in the district of* ————, *contingent charges, and the difference between the cost of the present and proposed Establishments.*

Superintending Establishment consisting of Nazir and his Subordinates.	Salary of each.	Number of Peons at Sudder Stations and at each Court in the interior of district.	Total cost.	Contingent expenses.	Grand Total.	Cost of Establishment heretofore existing.	Cost of proposed Establishment.	Remarks.
Nazir, Mohurrer, or Naib, Naib, &c., &c.		For Judges, Subordinate Judges, and Sudder Moonsiffs' Courts. For Moonsiff's Court at For Moonsiff's Court at						The column of Remarks should contain full information regarding the location of the Superintending Establishment, and on any other point on which the Judge thinks it desirable to remark.

N. B—These forms are intended merely to serve as samples of the *form* in which the information required is to be laid before the Court, not to restrict the local Officers as to the *size* of their Returns.

STATEMENT No. 2 showing the total number of processes issued from all the Civil Courts in the district of ————, during the years 1867, 1868, 1869, *the cost of the serving agency in each of those years, and the average cost of serving each process.*

Total number of processes served in				Total cost of serving agency in			Average cost of serving each process in			Average cost of serving each process during those three years.	Remarks.
1867.	1868.	1869.		1867.	1868.	1869.	1867.	1868.	1869.		The column of Remarks should contain full information regarding the location of the Superintending Establishment, and on any other point on which the Judge thinks it desirable to remark.

N. B—These forms are intended merely to serve as samples of the *form* in which the information required is to be laid before the Court, not to restrict the local Officers as to the *size* of their Returns.

Circular, No. 5.

DATED CALCUTTA, THE 22ND FEBRUARY, 1870.

In continuation of Circular Order of the late Sudder Court, No. 23, dated 29th July 1859, the High Court direct that all verifications,* whether of plaints, written statements, or applications requiring verifications presented in any Civil Court subordinate to the High Court, shall contain a true specification of the *day* and *place* at which they are signed.

The Offg. Chief Justice.
Mr. Justice Loch,
" Bayley,
" L. S. Jackson.
" Phear.

* *Vide* Sections 27, 28, 123, 164, 273, Act VIII of 1859.

Circular, No. 6.

DATED CALCUTTA, THE 9TH MARCH, 1870.

With a view to computing the average duration of suits in all Civil Courts upon a system at once uniform and more accurate than that which generally prevails at present, the Court are pleased to lay down the following rules, which are to be strictly adhered to by all Judicial Officers.

Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

2. The average duration of cases disposed of by a single decision of the Court of first instance will be thus computed, separate calculations being made of cases of the Small Cause class and of cases not of that class, as indicated in the accompanying Statement No. 6, which, together with Statement No. 6 A, explained hereafter, is to be substituted for the Annual Statement heretofore submitted (No. 6) of the average duration of suits. The total number of days during which all cases finally disposed of during the year under report have been pending will be divided by the total number of cases so decided, the result being the average duration of those cases.

3. Cases in which application for review of judgment is made, or cases which are remanded by the Appellate Court, will be shown under the proper headings in the Statements, and the average duration of those proceedings will be thus calculated. In the case of reviews, the total number of days from date of application to date of finally disposing of the case, whether the review shall have been granted or refused, shall be divided by the total number of suits in which such application has been made.

4. The average duration of cases under remand must be separately exhibited by a similar process, reckoning from the date of order of remand to the date of the new decision under such order in each case. This rule will apply to Courts of Appellate as well as of Original Jurisdiction.

5. When in the same case there has been an application for review and also an order of remand, of course the case will appear in each of the columns assigned to those subjects.

6. When an order has been made under Section 354 or Section 355, Code of Civil Procedure, the case is of course to be treated as being in appeal, and the time occupied in making the return called for or in taking the evidence must be counted as time occupied in the appeal.

7. The Statements will thus exhibit the average duration of suits—

1*st*.—Originally decided.

2*nd*.—Brought on by way of review.

3*rd*.—Before the 1st Court on remand.

Appeals will be exhibited in the same way in a separate Statement, which is to be prepared according to the accompanying Form 6 A. It will not be necessary under the present orders to combine these figures for the purpose of showing a result made up of the average duration of all cases whether appealed or not.

8. Statement No. 6, which has hitherto been in use, shows the average duration of suits in the year under report

and for the four years immediately preceding it. In the Statements now prescribed, it has been thought sufficient to embrace a period of three years, *i. e.*, the year under report and the two preceding years. As, however, the system now introduced is in many respects entirely new, it will not be necessary in submitting the Statements for 1869 to show more than the average duration of suits during that year, as it would be obviously useless for the purpose of comparison to exhibit cases, the average duration of which had been calculated on different principles.

3. The Court request that Judges and Judicial Commissioners will use their utmost endeavours to submit the Statements herein prescribed for the past year within one month from the date of the receipt of this Circular Order, in order that the Court's Resolutions on the administration of Civil Justice in the various districts in its jurisdiction may not be unnecessarily delayed.

No. 6.

Average duration of Suits.

1		2						3						4						5
IN THE COURT OF		Duration of single or first trials, *i. e.*, of cases disposed of by a single judgment of the Court of first instance.						Duration of cases in which review of judgment has been applied for.						Duration of cases remanded under Section 351.						REMARKS.
		1869		1870		1871		1869		1870		1871		1869		1870		1871		
		Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	
Judge	S. C. Court class																			In entering in columns 2, 3, 4 the average duration of the cases to be shown therein fractions of days are to be omitted.
	Other cases																			
Additional Judge	S. C. Court class																			
	Other cases																			
Subordinate Judge	S. C. Court class																			
	Other cases																			
Additional Subordinate Judge	S. C. Court class																			
	Other cases																			
Judge of S. C. Court with powers of Subordinate Judge	Other cases																			
Moonsiff of	S. C. Court class																			
	Other cases																			

No. 6 A.

Average duration of Appeals.

In the Court of		Duration of appeals finally disposed of by decree of first Appellate Court						Duration of appeals in which reviews have been applied for subsequently to decree of Appellate Court.						Duration of appeals remanded under Section 351, Act VIII of 1859.						Remarks.
		1869		1870		1871		1869		1870		1871		1869		1870		1871		
		Months.	Days	Months.	Days.	Months.	Days.	Months.	Days	Months.	Days.	Months.	Days.	Months	Days.	Months	Days.	Months.	Days.	
Judge	S. C. Court class Other cases																			Fractions of days to be omitted, as directed in Statement No. 6.
Additional Judge	S. C. Court class Other cases																			
Subordinate Judge	S. C. Court class Other cases																			
Additional Subordinate Judge	S C. Court class Other cases																			
Judge of S. C. Court with powers of Subordinate Judge.	Other cases																			

Circular, No. 7.

DATED CALCUTTA, THE 12TH MARCH, 1870.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" Phear.

It having come to the notice of the Court that the practice in some subordinate Courts is to retain more than one copy of the Memoranda sent to District Registrars under Sections 41 and 42 of Act XX of 1866, all Civil Judges subordinate to the High Court are informed that it was the intention of paragraph 6 of Circular Order No. 24, dated 19th June, 1866, that one copy only of such Memoranda should be retained, *viz.*, the copy which is required to be attached to the judgment when the record is sent up in appeal.

2. The Court direct that this practice may be observed in future.

Circular, No. 8.

DATED CALCUTTA, THE 2ND MAY, 1870.

Mr. Justice Loch.
" Bayley.
" Norman.
" L. S. Jackson.

Several parcels on Her Majesty's service having been recently received in this Office, upon which large amounts of postage have been demanded under the recent Post Office Rules,* because they had been sent by the senders, the attention of Judges and Magistrates is drawn to the provisions of Rule 25 which enjoins that "all banghy parcels must either be prepaid by postage stamps by the sender or paid for in cash by the addressee."

* *Vide* Notification, dated 10th March, 1870, at page 170 of *Calcutta Gazette* of 12th idem.

2. Adverting to the limits of weight and size as defined in the margin of the Rule in question, it will be seen that there is no necessity to send a parcel by banghy unless it exceeds 200 tolahs in weight, or one foot and a half in length, or one foot in

breadth or depth. Accordingly all parcels addressed to this Office and within those limits should in future be sent to the Post Office in the usual bags to be posted as ordinary packets. When they exceed the prescribed limits, and need to be sent as banghy parcels, *the postage must be prepaid by postage stamps*, so that the High Court may not be charged with cash payments.

3. I am to take this opportunity of calling the attention of Judges of every grade to the new Post Office Rules, which it will be necessary they should study themselves attentively, in order to ensure exact observance of them by their subordinates.

[*Superseded by C. O. No.* 33, *dated the* 23*rd November*, 1870.]

Circular, No. 9.

DATED CALCUTTA, THE 12TH MAY, 1870.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

The High Court direct me to instruct you that when any Civil Court attaches landed property paying revenue to Government and appoints a Manager under Section 243, Act VIII of 1859, information of the fact should be always given to the Collector without delay.

Circular, No. 10.

DATED CALCUTTA, THE 12TH MAY, 1870.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" Markby.

The Court deem it expedient to point out to all the Civil Courts subordinate to them that it is not necessary to award by their decrees interest at the uniform rate of 12 per cent. on mesne profits or other sums payable thereunder and costs in all cases.

2. The practice of awarding interest at so high a rate is likely to operate as an inducement to judgment-creditors,

who are often mere assignees of the original plaintiffs, to delay the execution of decrees and to regard such decrees rather as a desirable investment for money than as a means of obtaining their rights as determined by the judgment of the Court.

Circular, No. 11.

DATED CALCUTTA, THE 14TH MAY, 1870.

Mr. Justice Loch.
„ Bayley.
„ L. S. Jackson.

It is ordered that Moonsiffs do submit to the Zillah Judges (or to the Judicial Commissioners in Extra Regulation Provinces through the District Officers) on Monday in each week a Statement in the form annexed, which is to exhibit all suits commenced in their Courts during the past week (Monday to Saturday preceding) which come under the provisions of Schedule II, Articles 14, 15, 17 (any of the clauses) of the Court Fees' Act, 1870, and in which therefore the institution fee is fixed.

2. The intention of the High Court in making this order is that, as under Section 13, Act XVI of 1868, and Section 6, Act VIII of 1859 (the Code of Civil Procedure), such suits, by reason of the subject matter not exceeding in amount or value 1,000 Rupees, will apparently have to be instituted in the Courts of the Moonsiffs, the Zillah Judges should be enabled to exercise the power which they possess under the Section above quoted of the Civil Procedure Code of calling such cases up to their Courts or of referring them for trial to the Subordinate Judges under Section 15, Act XVI of 1868.

3. The nature of the suits referred to will often make it desirable that they should be tried in the higher Courts of the district, although, in consequence of the wording of the Acts of 1859 and 1868, they must be commenced in the Courts of the Moonsiffs.

Form of Return.

No. in Moonsiff's Register.	Date of Institution.	Names of the		Subject matter.	Remarks.
		Plaintiffs.	Defendants.		

Circular, No. 12.

DATED CALCUTTA, THE 27TH MAY, 1870.

The Court deem it expedient to direct all Zillah Judges and Judicial Commissioners, when preparing the lists of Peons to be appointed under the Court Fees' Act, to take into consideration the claims of the Revenue Peons who have been thrown out of employment by the transfer of rent suits to the Civil Courts and, when persons so situated appear to be qualified by past service and character, to give them a preference over other candidates.

Mr. Justice Loch.
" Bayley.
" L S Jackson.
" Phear.

Circular, No. 13.

DATED CALCUTTA, THE 4TH JUNE, 1870.

For the information and guidance of Zillah Judges and Judicial Commissioners, the High Court notify the following rule which has just been framed in order to facilitate applications for the exercise of the powers of superintendence vested in this Court with reference to cases before the Courts of Small Causes in the interior.

2. The several Zillah Judges respectively will be appointed Commissioners for the purpose of taking the requisite affidavits or declarations referred to in the rule.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" L S Jackson.
" Phear.

RULE.

Any party affected by a decision or order made in any suit by a Court of Small Causes within the jurisdiction of the High Court of Judicature at Fort William in Bengal, who may be desirous of applying for the exercise of the powers of superintendence vested in the High

The Chief Justice.
Mr. Justice Loch.
" Bayley
" L. S. Jackson.
" Phear.

Court by Clause 15, 24 and 25 Vict., Cap. 104, and who may be unable to appear personally, or by Vakeel, before the said Court, may present a petition, addressed to the High Court, in the Court of the District Judge, whereto such Court of Small Causes is subordinate, for the purposes of Section 22 of the Court Fees' Act, 1870.

Such application must be presented by the party in person, (unless such party be a female who is by law exempted from personal appearance in Court) must bear the proper Fee Stamp (Schedule II, Art. 1 (*d*), Court Fees' Act, 1870), and must be accompanied by an affidavit, setting forth the facts on which the petition is founded, to be sworn or solemnly affirmed, as the case may be, before the District Judge who will be appointed a Commissioner for that purpose.

The party must also deposit in the District Court the amount requisite to defray the expense of transmitting the petition, and, if need be, the record to the High Court.

The District Judge on receiving such petition and affidavit as aforesaid, when such costs of transmission have been paid into Court, shall transmit the petition and affidavit to the Registrar of the High Court, under the seal and signature of the District Court.

Circular, No. 14.

DATED CALCUTTA, THE 7TH JUNE, 1870.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" Phear.

Doubts having arisen as to what should be shown in column 2 of Form C prescribed by Circular Order No. 24 of 19th June, 1866, and the practice of different districts in respect to this Return not being uniform, the Court deem it necessary to direct that column 2 of the Form should be read as with the words "requiring registration" added to the heading, and that the Returns of each Civil Court in the

district, though separately shown, should not exhibit the details of the several cases included, but only the aggregate number according to the headings.

Circular, No. 15.

DATED CALCUTTA, THE 13TH JUNE, 1870.

[Cancelled by C. O. No. 11 (Criminal Side), dated 4th August, 1870, and by C. O. Nos. 21 and 22, (Civil Side), dated 4th August, 1870.]

Circular, No. 16.

DATED CALCUTTA, THE 17TH JUNE, 1870.

The Court direct that all future applications for printed or lithographed forms required by the Judges of various grades be made to the Superintendent of Stationery, who has received instructions to supply only such forms as have been approved by the High Court.

The Chief Justice
Mr. Justice Loch.
„ L. S. Jackson.

2. The Superintendent of Government Printing has also been instructed to receive no applications except from the Superintendent of Stationery.

3. Indents from Subordinate Judges and Moonsiffs are to be submitted through their superiors.

4. Any Judge who desires to propose any form not in general use for adoption in the Civil Courts will be at liberty to address the Court upon the subject.

Circular, No. 17.

DATED CALCUTTA, THE 23RD JUNE, 1870.

The Chief Justice.
Mr Justice Loch.
" Bayley
" L S Jackson.
" Phear.

As there is reason to believe that it is becoming a practice for applicants for certificates under Act XXVII of 1860 and Act XL of 1858, to refrain from taking out the certificates after the Courts have passed orders for the issue of such, and to take out instead only certified copies of the said orders, thereby occasioning a loss of stamp revenue, the Court direct that no copies of the judgment or decision of the Courts in certificate cases be granted unless the certificate has been previously issued.

Circular, No. 18.

DATED CALCUTTA, THE 23RD JUNE, 1870.

Mr Justice Loch.
" Bayley.
" L S. Jackson.

The following rules are issued in supersession of those prescribed by Circular Order, No. 7, dated 16th July, 1869, which is hereby cancelled :—

I.—All applications for information, or for unauthenticated copies of papers or documents, shall be made at a place and to the Officer designated by the Zillah Judge for that purpose, between the hours of 12 and 2.

II.—The Officer to be so designated shall be either the Record-keeper or such other paid Ministerial Officer of the Judge's Court as can be spared. The Officer taking the duty on each day shall be noted by the Sherishtadar in the Office Diary.

III.—The applications shall be on a printed Form A in duplicate, to be obtained from the Nazir at the price of 1 pice or ¼ anna per sheet. The applicant is to present it with the duplicate spaces reserved for the date, his name and residence, and the particulars of the information required filled up. The Officer receiving such application is to enter in duplicate in the first column the consecutive number, and in the fifth column

his signature. If he can furnish the information at once, he will note the same on the upper portion of the form in the column for remarks and make that part over to the applicant, taking the latter's receipt in the column for remarks in the lower portion which will be retained and recorded in the Office. If he cannot furnish the information at once, he will enter in duplicate in the fourth column of the form the date by which the information can be furnished. The upper and lower portions of the form with columns 1, 2, 3, 4, and 5, thus filled up, will then be separated. The lower part will be made over to the applicant with a direction to return with it at the time fixed. The upper portion will be passed on to the Amlah, to whose Department it pertains, who will enter in the column for remarks the necessary information and return it to the Receiving Officer before the time prescribed. On the applicant's re-appearance, this upper portion bearing the information will be made over to him, and the lower portion bearing his dated receipt in the column for remarks will be taken from him and recorded in the Office.

IV.—Applications for copies of any papers or documents shall be in like manner received by the same Officer and shall be in the Form B, which will be obtained in loose sheets* in the same way and at the same cost as Form A. Every such application shall be numbered consecutively as received, and the body or main portion of the form shall be passed on into the Office with a memorandum stating the date and hour by which the copy is to be ready, and a corresponding note shall be invariably made on the counterfoil which is to be returned to the applicant.

*N.—The books of these forms supplied under the superseded Circular should be unbound and opened, and the separate sheets should be made over to the Nazir for sale.

V.—Care will be taken to have the copy ready in each case by the time fixed, before which it will, with the body of Form B attached to it, be handed back to the Record-keeper or other Officer, who, on the original applicant's appearance with the

counterfoil, will make over the copy to him, taking his receipt for the same in the last column of the form for remarks, in which the date of such receipt will also be noted. These forms will then be recorded in the Office, filed in the order of their admission in a separate series for each month. At the close of each quarter they will be examined by the Serishtadar, who will bring to notice any irregularity or unpunctuality that may be apparent in the Department. At the end of the year the Judge, after satisfying himself as to the working of the Office by an inspection of the forms recorded during the year, may order their sale as waste paper or direct their destruction.

VI.—The Judge is to license as many Copyists to be selected as far as practicable from the Apprentices in his Office,—regard of course being had to their efficiency,—as may be required for the purpose of supplying all applicants with copies without inconvenient delay; and no one but a licensed Copyist is to be employed in the preparation of copies. Copies are to be paid for at the rate of 1 anna for every hundred words in the Vernacular, and of 2 annas for every hundred words in English, four figures counting as one word. On each copy the amount of the fee received is to be noted as follows :—

Number of words
(English or Vernacular)
in the copy at
anna per 100 words is Rs. 0 0 0

Received payment.
(Sd.) A. B.,
Licensed Copyist.

VII.—Copies of maps and plans cannot be supplied from the Judge's Office; but application should be made to the Offices where the original maps are deposited. No copy of a copy shall be supplied without express sanction of the Judge.

VIII.—The number of Copyists licensed should not be greater than will admit, under ordinary circumstances, of each Vernacular Copyists earning at least Rs. 12, and of each English

Copyist earning at least Rs. 20, per month. Each Copyist is to keep a register showing his receipts, which he is to submit once a month to the Judge, who will thus be enabled to regulate the Establishment of Copyists and to reduce the number, if required, with reference to the provisions of the preceding rule. The Judge may, under pressure of work, depute to his Sherishtadar the duty of examining these registers; but he is under no circumstance to omit doing so himself at least once a quarter, and a certificate of his inspection of these books is always to be inserted in the Annual Report.

IX.—A fee of 8 annas shall be charged for searching. No fees are to be required or paid for searching or copying papers wanted by public Officers for public purposes.

X.—A book is to be kept by the Record-keeper in which all sums received on account of searching are to be entered. These sums are to be handed over daily to the Nazir, and by him paid into the Treasury to the credit of Law and Justice, under such heading as the Government may direct, once a month, or oftener, if, with regard to the amount received, this should be necessary.

XI.—The record rooms are not open to the public generally, but public Officers of the district (including Serishtadars) and Pleaders may enter the record room and examine the record of any case in the presence of the Record-keeper or one of his Assistants. Pleaders before making such examination should pay the fee prescribed by Rule IX.

XII.—Loose sheets of Forms A and B should be indented for on the Superintendent of Government Stationery. Either English or Vernacular forms may be thus indented for, as translations of Forms A and B in Bengali and Urdu have been sent by the Court to the Superintendent.

These rules are only experimental, and the Court will be glad, therefore, to have a report at the end of the year as to how they have worked, and whether or not the fees and charges fixed require alteration.

[See C. O. No. 30, dated the 19th September, 1870.]

A.

FORM of Application for information.

No. and date.	Name and residence of applicant.	Nature of the information required.	Date on which the information is to be ready.	Signature of Officer receiving the application.	REMARKS.

No. and date.	Name and residence of applicant.	Nature of the information required.	Date on which the information is to be ready	Signature of Officer receiving the application.	REMARKS.

NOTE ON BACK.

These forms may be procured from the Nazir of the Court at 1 pice per single form, or 100 for a Rupee.

The person applying for information is to fill up Columns 1, (except the No). 2, and 3, and present it to the Officer appointed to receive such applications, who, if the information required cannot be immediately supplied, will fill up, tear off, and return the bottom part of the form to the applicant.

B. (COUNTERFOIL.)

Name of applicant.

Date of receipt of application.

The time by which the copy required is to be ready.

B.

FORM of application for copies.

No. and date of application	Name, residence, and description of applicant.	Specification of paper of which the copy is required.	Case or proceeding in which such paper is to be found or was filed.	Name of Office or Department where the paper in question is to be found.	Time when copy will be ready.	Name of Copyist.	Name of Officer receiving application who fills up the three preceding columns.	Remarks.

Copy required will be furnished by on the at

Signature.

NOTE ON BACK.

These forms* may be procured from the Nazir of the Court at 1 pice per single form, or 100 for a Rupee.

The person applying for a copy is to fill up Columns 1, (except the No.) 2, and 3, and present it to the Officer appointed to receive such applications, who will pass it on to the proper Officer.

* These forms are also supplied in Bengali and Oordoo.

Circular, No. 19.

DATED CALCUTTA, THE 29TH JULY, 1870.

It is hereby notified, for the information and guidance of all Civil Judges subordinate to the High Court, that the Government of India in the Home Department has,* in accordance with a proposal of the Court, authorized all Zillah Judges in the Lower Provinces to transmit by post, franked as On Her Majesty's Service, all cases appealed either to the High Court or to Her Majesty in Council.

Mr. Justice Loch.
" Bayley
" L S. Jackson.

* *Vide* letter from Under Secretary, Government of India, Home Department, to Officiating Junior Secretary, Government of Bengal No. 912, dated 28th May 1870.

2. It is to be understood that the processes, thus issued under frank, should not be registered. If registered, they must be pre-paid for by stamps.

Circular, No. 20.

DATED CALCUTTA, THE 1ST AUGUST, 1870.

All Judges of A districts noted on the margin are requested to report the occurrence of any vacancy in the office of Serishtadar, with a view to the claims being laid before them of those Serishtadars now in B districts who were Serishtadars of Zillah Courts when the rule of classification was introduced; such Officers, in the opinion of the Court, which has received the concurrence of His Honor the Lieutenant-Governor, being entitled to priority as candidates for appointment to the districts to which the larger salary has been attached, and being therefore eligible by preference until the whole class has been exhausted.

Mr. Justice Loch.
" Bayley.
" L S. Jackson.

24-Pergunnahs.	Sylhet.
Jessore	Rajshahye.
East Burdwan.	Rungpore.
Hooghly.	Patna.
Cuttack.	Sarun.
Chittagong.	Gya.
Tipperah.	Tirhoot.
Backergunge.	Bhagulpore.
Dacca.	Purneah.
Mymensingh.	Moorshedabad.

2. The Judges of districts in Class B, whose Serishtadars held office before the classification was introduced, are requested to return the names of such Officers, stating the date of appointment and the districts in Class A to which, on the occurrence of a vacancy, they would desire to be transferred.

3. On receipt of these Returns, the several Judges of A districts will be furnished with a Roll of the Serishtadars who would be candidates for transfer to their respective districts on the occurrence of a vacancy. [N. B.—This Circular was cancelled by C. O. No. 12, dated 19th April, 1871, but the same information is now to be submitted to the Government of Bengal. Government Letter, No. 2290, dated 16th May, 1871.]

Circular, No. 21.

DATED CALCUTTA, THE 4TH AUGUST, 1870.

Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

The Court's Circular Order No. 15, dated 13th June, 1870, is hereby cancelled, as the new forms of returns therein referred to have not yet been completed. The quarterly statements of civil business for the 2nd quarter, 1870, are to be submitted in the old forms.

2. It is, however, necessary that cases under Act VIII, B. C., of 1869 should be shown separately in the civil statements, and the following modifications of the civil statements have to be made for that purpose :—

Small Cause Court Class.
Other Cases.
Cases under Act VIII, 1869, B. C.

(1.) A third sub-division of the headings in the first columns of Parts I and III of Statement I must be added, as per margin, as regards both original suits and appeals.

(2). In heading 15, Column I of Statement II, after the words "Act XXIII of 1861" must be added the words "and Act VIII, B. C. of 1869."

(3). "Executions of decrees under Act VIII, B. C., of

1869" must be shown in the return of each Officer as the 9th heading in Column 2 of Statement III.

(4). Finally, in the table on the first page of Statement I, showing the attendance of parties, the details in respect of cases under Act VIII, B. C., of 1869 will be furnished under a separate heading.

Circular, No. 22.

DATED CALCUTTA, THE 4TH AUGUST, 1870.

The Court's Circular Order, No. 15, dated 13th June, 1870, is hereby cancelled, as the new Forms of Returns therein referred to have not yet been completed.

Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

The Quarterly Statements of Civil Business for the 2nd Quarter 1870 are to be submitted in the Old Forms.

Circular, No. 23.

DATED CALCUTTA, THE 5TH AUGUST, 1870.

The Court direct that, when Police Officers are summoned by the Civil Courts to give evidence, the summons be sent for service through the superiors of the Officers concerned. The Civil Courts are further directed to be very careful to abstain from ordering the production of Police Station Diaries unnecessarily, complaint having been made of the inconvenience caused by such requisitions.

Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

Circular, No. 24.

DATED CALCUTTA, THE 23RD AUGUST, 1870.

The attention of the Court has been drawn to the fact that, notwithstanding the full and clear directions which in each case accompany processes forwarded by the Calcutta Court of Small Causes for

The Chief Justice.
Mr. Justice Loch.
" Bayley
" L. S. Jackson.
" E. Jackson.

service under Sections 29 and 30 of Act IX of 1850, it very frequently happens that the provisions of the Law, in respect of such processes, are not carried out by the Courts addressed. The High Court, in now directing that more exact attention be given to such cases in future, feel obliged to point out to the Subordinate Civil and Criminal Courts of all grades that failure to comply with instructions so explicit is quite inexcusable: it can only be explained on the supposition that the Judges or Magistrates concerned have bestowed no personal attention on the matter.

Circular, No. 25.

DATED CALCUTTA, THE 25TH AUGUST, 1870.

The Chief Justice.
Mr Justice Loch.
" Bayley.
" L S Jackson.
" E Jackson.

Very numerous cases have come before the High Court in which it has appeared that the power, vested by law in the Civil Courts, of directing investigations by Commissioners, has been injudiciously exercised in the subjoined particulars, namely :—

1*st.*—The application for such inquiry has been granted as a matter of course, whether the nature of the case made such desirable or not.

2*nd.*—The instructions to the Ameen have not been sufficiently precise.

3*rd.*—A reasonable time has not been defined within which the return is to be made, or the Ameen has been allowed to exceed such time without good reason.

4*th.*—The Ameens have been permitted to go into matters not referred to them.

5*th.*—The Ameen's report, or the objections to it, have not been properly dealt with.

The following observations and general rules are therefore issued and laid down for the guidance of the Civil Courts subordinate to the High Court :—

The responsibility of ordering an inquiry under Section 180, Code of Civil Procedure, rests entirely with the Court before which the suit is pending, and which may order such inquiry when it deems a local investigation to be necessary or proper for the purpose of elucidating the matters in dispute or of ascertaining the amount of any mesne profits or damages.

The Court is therefore to consider, when it is moved to order any such inquiry, whether the nature of the case calls for that particular mode of inquiry; whether the application has been made at a proper stage of the proceedings; whether the importance of the case warrants that expense being imposed upon the parties; and whether such inquiry may not be attended with a delay which will counterbalance the advantage to be derived from it.

If the inquiry be ordered, it is necessary to define the points on which the report of the Ameen is required, and upon which it is to be evidence; and points ought usually to be excluded which can conveniently, and ought to, be substantiated by the parties by evidence at the trial.

A time should then be fixed for making the return, and it should be so fixed that the Ameen may reasonably be expected to comply exactly with the order; and for this purpose the Court may ascertain what the Ameen's engagements are and arrange accordingly; and it is the especial duty of the Zillah Judge, by attention to the weekly returns* of work submitted by the Ameens, to take care that no improper delay occurs in executing commissions entrusted to them.

* Vide para. 12, C. O. No. 24, dated 6th November, 1857.

If the instructions have been precise, and the Ameens understand their business, they will usually keep within the bounds which have been set for them.

It is a very common practice for the Courts to receive, and even to invite, formal exceptions and objections to the report. It will be observed that the 180th Section makes no provision for any such thing;—"but it shall be competent to the Court, or

to the parties to the suit or any of them with the permission of the Court, to examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report or the manner in which he may have conducted the investigation."

The practice of encouraging petitions of objection leads to the making of charges, frequently quite unfounded, of partiality or corruption against the Ameens. Vakeels who lend themselves to preferring such charges ought to be made to understand that they will have to prove them; and they should not be entertained unless proof of their correctness is tendered. The report of a Commissioner should be treated, as the Code points out, as evidence in the cause, and should be subject, like the other evidence therein, to oral comment by the pleaders, and, generally speaking, to that only.

In order to a more careful observance of these principles by the Subordinate Civil Courts, the following general rules are now prescribed:—

I. Whenever a Subordinate Civil Court, either of its own motion, or on the application of any party, directs a local inquiry, or an inquiry into accounts, the order for such inquiry shall be drawn up in the handwriting of the Judge of such Court, and shall contain the following matters:—

1*st*.—Whether the inquiry is directed by the Court *proprio motû*, or upon an application, and, if on an application, from which party.

2*nd*.—What the point is which requires elucidation or ascertainment in that particular way.

3*rd*.—Why such matter could not be proved or ascertained in the ordinary way by producing documents at the proper time and witnesses at the trial.

4*th*.—The instructions given to the Commissioner.

II. Where the Court issuing such commission is subordinate to the Zillah Judge, a copy of such order shall be forthwith

submitted to him, and he will note thereon the fact of complete or partial compliance with the foregoing rule.

III. In all orders for investigation by a Commissioner under Section 180, Code of Civil Procedure, the present circular order shall be cited as well as the section of the Code.

IV. The Zillah Judge in his annual report will certify the mode in which the several Subordinate Judges have complied with these rules.

[See in continuation C. O. No. 28, dated the 8th September, 1870.]

Circular, No. 26.

DATED CALCUTTA, THE 29TH AUGUST, 1870.

The Court, after communication with the Government of Bengal,* are pleased to notify that, in order to provide for the expenses attending the service of processes of this Court in cases that shall have been appealed to the Court during the interval from the date the Court Fees' Act came into operation until the promulgation of the Rules under Chapter V of that Act, and in order to furnish Peons serving processes of the High Court in such cases with ready money to defray expenses on account of boat hire, ferries, and tolls, His Honor the Lieutenant-Governor of Bengal has authorized the Zillah Judges to draw as contingent expenditure the amounts so incurred already, or that may be incurred during the said interval, and until permanent arrangements on the subject are made in connection with the Rules under the Court Fees' Act hereafter to be promulgated.

The Chief Justice.
Mr. Justice Loch,
" Bayley.
" L. S Jackson.
" E. Jackson.

*Vide Government letter No. 3845, dated 22nd August, 1870.

Circular, No. 27.

DATED CALCUTTA, THE 5TH SEPTEMBER, 1870.

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" E. Jackson.

The Court desire to draw the attention of all Zillah Judges and Judicial Commissioners to the annexed copy of Rules recently passed by the Court, relating to the admission of appeals to Her Majesty in Council and to the transmission of such appeals to England.

2. The duties devolving on Zillah Judges under these rules are not to be delegated to Subordinate Judges or Moonsiffs under Section 19, Act XVI of 1868.*

Rules of the High Court of Judicature at Fort William in Bengal relating to the Admission of Appeals to Her Majesty in Council and to the transmission of such Appeals to England.

I.—Every petition for the admission of an appeal, under Section 39 of the Letters Patent, shall contain, amongst other things, an application for a Certificate either that the—

(1). Value of the sum, or matter at issue, or of the property to which the claim or question relates, is not less than Rs. 10,000;

(2). Or that the case is a fit one for appeal.

Upon such petition and application being made, notice will be served on the opposite party to show cause, within the time specified in the notice, why such Certificate should not be granted; and any Vakeel who appeared for such opposite party in the High Court, shall be bound to accept service of such notice; and such service shall be binding on the client.

If such Certificate be not granted, the petition will be dismissed.

II.—With the petition, or within six months from the date of the decision appealed against, the appellant shall furnish security for the costs of the respondent, to the extent, in ordi-

* See now S. 27, Act VI of 1871.

nary cases, of Rs. 4,000; such security may consist either of cash or Government Securities, or of immovable property; or the appellant, if the appeal be against a judgment passed in Original Jurisdiction, may enter into a recognizance with two Sureties to be approved by the Registrar.

When the security offered consists of immovable property, the appellant shall file a mortgage bond duly registered, together with a specification of the Surety's title.

When such bond has been filed, the Court shall direct the security to be tested either by the Registrar, or by the Judge of the Zillah Court in which the immovable property pledged is situated. If the security be found insufficient, the appellant shall be bound, within six weeks from the date of an order to that effect, to deposit cash or Government Securities to the extent of Rs. 4,000, or to such amount as may raise the value of such security to Rs. 4,000.

But in any special case, the Court may, if it think fit, on the application of the respondent, require security to a larger amount; in no case, however, exceeding Rs. 10,000.

III.—It shall be competent to the Court at any time before the admission of the appeal, upon cause shown, to revoke the acceptance of any security, and to make further directions thereon.

IV.—With his petition for the admission of the appeal, the appellant shall deposit the sum necessary to defray the cost of translating, transcribing, (or printing), and transmitting the record. Such sum shall be,—in respect of appeals from the Appellate Side of the Court,—either Rs. 2,000, or the sum certified by the Clerk of Privy Council Appeals as the probable cost of such transcript, and so forth, the estimate of such cost being prepared as directed in Rule XII; and in respect of appeals from Original Jurisdiction, Rs. 500 when the record is not to be printed, or Rs. 700 when it is to be printed here.

V.—When the security has been approved and the deposit made for transcript, &c., under Rule IV, the Court may declare

the appeal admitted; but if the petitioner shall not perfect his security and make such deposit within such time as the Court may direct, his petition shall be dismissed.

VI.—After the lodging of the petition, or on the application of any party intending to appeal to Her Majesty in Council accompanied by a fee of Rs. 16, the Clerk of Privy Council Appeals shall forthwith prepare an estimate of the expense of translating, transcribing, or printing, and forwarding to the Registrar of the Privy Council the record of the case, including a margin of Rs. 500, and shall furnish such estimate to the Vakeel or Attorney of the appellant or applicant, who shall be bound to pay into Court, within one month from receipt of such estimate, the difference between the amount already deposited, if any: provided that the appellant, within two weeks after his making payment, shall be at liberty to object to the estimate, and to obtain the order of the Court on such objection.

VII.—The application for estimate shall state whether or not the transcript is to be printed in India.

VIII.—Ordinarily the whole record shall be transcribed with the following exceptions:—

First.—Such formal documents as are directed by Clause 2 of Her Majesty's Order in Council, dated 13th June, 1853, to be excluded, and whereof the omission is to be certified in the second index.

Second.—Such papers as the parties may agree to omit.

Third.—Such accounts or portions of accounts as the Registrar or other officer empowered for that purpose may consider unnecessary, and as the parties may not have specifically prayed to include by application to the proper officer within one month from the filing of the petition in respect of the appellant, and from receipt of notice in respect of the respondent. Provided that neither of the parties shall be at liberty to apply for the inclusion of any account or part of an account which has not been marked or endorsed as an exhibit under the 39th or 132nd Sections of the Code of Civil Procedure, unless with the

special leave of the Court on motion made for that purpose. Provided also, that if any party shall apply to have included in the transcript record any accounts or documents which the Registrar or other officer may consider unnecessary, such document shall be translated and transcribed as an appendix to the transcript with a note of the circumstance.

IX.—All documents, which are not originally in the English language, and which have not been translated for the use of the Court, shall be translated into English, and all translations made or used shall be revised and certified by the Sworn-Examiner.

X.—An index of all the documents included in the transcript shall be prepared and annexed to the record in the form now in use, and shall be followed by a list of all other papers, documents, and exhibits in the cause not included in the transcript: the draft of this index, instead of a vernacular list of papers (as hitherto supplied), shall be furnished to the parties, who shall be at liberty to object thereto within three weeks from date of receipt.

In the index and transcript, the papers shall be placed in the following order:—

Plaint.

Written statements.

Examination of parties or their Agents, &c.

Injunctions.

Orders of attachment, &c. (if any), obtained before judgment.

Issues framed (if any).

Exhibits of plaintiff.

——— of defendant.

Depositions of witnesses for plaintiff.

——— ——— for defendant.

Report of Commissioner (if any) with maps, depositions, &c., annexed.

Judgment and decree.

Memorandum of appeal.

Cross appeal or memo. of objections under Section 348 (if any).

Proceedings in Appellate Court (if any).

Judgment and decree of that Court.

Appendix (if any).

List of papers ommitted under Clause 2 of Her Majesty's Order in Council, and under the 8th of these Rules.

XI.—The following charges shall be payable in respect of the matters specified :—

Estimate of costs,.....Rs.	16	0	0
Translation of vernacular portion of record per 1,000 words, ...	6	10	8
Examination of ditto, ...	3	5	4
Copying English portion of record, for every 1,440 words, or part thereof,....	1	0	0
Examining ditto, for every 1,440 words, &c.,.....	0	8	0
Transcribing (one copy), per folio of 72 words (or at the option of appellant),	0	2	0
Printing (55 copies), per printed page, ..	3	8	0
Examination of transcript record, for every 72 words, or part thereof,.....	0	1	0
Examination of correction of the Press, for every 1,125 words, ...	1	0	0
Certifying two copies of printed record, for every 10 printed or manuscript pages or part of 10 pages, ...	1	0	0
Preparation of Index, for every 10 papers, or part of 10 papers,.....	2	0	0

The above rates will be subject to alteration.

XII.—The estimate shall include these several matters, and be framed in accordance with the charges above specified; and any appellant who has filed his petition of appeal shall be deemed to have incurred the charge for the preparation of an index and estimate, whether the appeal be admitted or not.

XIII.—If, at any time after the admission of the appeal, but before the transmission of the record to England, it be shown to the satisfaction of the Court that the security given by the appellant is insufficient, or it should appear to the Court that further payment is required for the purposes of the transcript, the Court may call on the appellant to furnish other and sufficient security, or to make the required payment within a time to be limited, and if the appellant fail to comply with such order, the proceedings shall be stayed, and the appeal shall not proceed without an order of the Judicial Committee, and in the mean time execution of the decree of the High Court shall not be stayed.

XIV.—When the record has been transmitted to the Privy Council, the appellant may obtain a refund of the balance, if any, of the amount which he has paid into Court under Rules IV and VII.

XV.—The foregoing rules shall take effect from and after the 15th August next, all previous rules, including those made by the late Sudder Court by a Resolution bearing date 7th December, 1858, being superseded and rescinded, and shall apply to all petitions now pending for the admission of an appeal to Her Majesty in Council as if the same had been presented on the said 15th day of August.

The 30th July, 1870.

Circular No. 28.

DATED CALCUTTA, THE 8TH SEPTEMBER, 1870.

In continuation of Circular Order No. 25, dated 25th ultimo, the Court desire it to be understood that the commissions for local investigations therein referred to may issue only to persons formally appointed Civil Court Ameens, and therefore having a permanent

The Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" E. Jackson.

"status" as Commissioners of the Courts. The employment by Civil Courts of occasional Commissioners, known under the common designation of "Ticca Ameens," is strictly prohibited.

2. If it should appear to the Judge of any district that there should be an increase in the number of authorized Civil Court Ameens available for employment, he may submit a proposal to that effect. But unless sufficient cause can be shown for it, any such proposal to augment the staff will not be entertained.

Circular, No. 29.

DATED CALCUTTA, THE 13TH SEPTEMBER, 1870.

The Chief Justice.
Mr. Justice Loch.
" Bayley,
" L. S. Jackson.
" E. Jackson.

The Court think it proper to notify, for the information of all District Judges and Judicial Commissioners, that a person whose real name is stated to be Raychurn Ghose, but who has assumed the name of Omer Nath Bose, has been practising as a Pleader in the Courts of Zillah Beerbhoom on the strength of a *sunnud* bearing the name of Baboo Omer Nath Bose, a Vakeel of this Court, who has lost his genuine *sunnud* and has satisfactorily explained the loss.

2. The object of this notification is to prevent the proceeding being repeated in other districts, and the Zillah Judges are to put their subordinates on their guard accordingly.

Circular, No. 30.

DATED CALCUTTA, THE 19TH SEPTEMBER, 1870.

The Chief Justice.
Mr Justice Loch.
" Bayley.
" L S. Jackson.
" E. Jackson.

The Court are pleased to authorize Zillah Judges and Judicial Commissioners generally to extend to the Subordinate Civil Courts under their control the provisions of the Circular Order, No. 18, dated 23rd June,

1870, or so many of the rules therein contained as may be considered applicable; and the Zillah Judges and Judicial Commissioners are requested to report respectively to what extent they act upon this Circular Order.

Circular, No. 31.

(Civil and Criminal Sides).

DATED CALCUTTA, THE 4TH NOVEMBER, 1870.

The Court direct that the Quarterly Returns of Civil and Criminal business be in future submitted in the forms annexed.

The Chief Justice.
Mr. Justice Loch.
„ L S. Jackson.

2. The Quarterly Civil Statements to be submitted by the Judges to the High Court are three in number, marked A, B, and C.

3. Statement A will contain the total number of original suits before each of the Civil Courts in the district during the quarter. The first column marked "Class of Courts" will contain the names and official designation of each Judicial Officer in the district. The other columns explain themselves and require no mark. Part II, Statement A, gives a detail of the cases of each class which, at the close of the quarter, are pending more than six weeks and three months as regards Small Cause Court cases and Rent suits; and more than three months and six months as regards "Other cases." An explanation, as at present, should be given with regard to all Small Cause Court and Rent cases which are pending for more than six weeks; and of all other cases which are pending more than six months. If there is not room on the margin of the Statement for the explanations, they should be written on a separate sheet of foolscap, and each explanation should give the number and year of the case referred to.

4. Statement B will comprise the total number of appeals before each of the Appellate Courts in the district. Column 1 headed "Class of Courts" will comprise the name and official

designation of each Officer presiding over each Appellate Court. Explanation must be given of the cause of delay in disposing of appeals in suits of the Small Cause Court kind, and for Rent entered in Part II, Statement B, pending more than six weeks; and as regards "Other Cases" when the delay in disposing of them exceeds six months.

5. Statement C is intended to exhibit all miscellaneous cases instituted and disposed of by the various Judicial Courts in the district. All business heretofore entered in the Statements under the head of "Other Miscellaneous Proceedings," and which for the most part consists of reports, answers to or orders upon proceedings from other Courts, applications from Ministerial Officers, &c, must be carefully excluded, and nothing but *real* cases, requiring a judicial finding and order, should be entered. Explanation of the delay in disposing of cases pending more than six months must be given. Column 1 headed "Class of Courts" will, as in the other Statements, contain the name and official designation of each Judicial Officer in the district with the total quantity of miscellaneous work placed opposite his name. Part II, Statement C, comprises appeals in miscellaneous cases, and the above remarks are *mutatis mutandis* applicable to the preparation of this Statement.

6. These forms are so simple that the Court believe there will be no difficulty in their preparation, and they have been adopted by the Court with the view of giving as much relief as possible to the English Department of the Judge's Office.

7. Statements D and E are Quarterly Returns to be submitted by the Criminal Courts.

8. Column 1, Statement D, will comprise the name and official designation of all Officers exercising Criminal authority in the district. It will be observed that no column has been assigned for parties committed for trial, for they are still under trial, and on committal should be entered in column 3 of the Statements opposite the name of the Sessions Judge, a note to that effect being made in the column of remarks; and where

a prisoner has been convicted of murder, and sentenced to death by the Sessions Judge, and the sentence referred to the High Court for confirmation, a note giving the date of such reference should be entered in the column of remarks. This Statement, after being prepared and signed by the Magistrate, will be submitted to the Sessions Judge, who will enter therein the result of trials disposed of by him during the quarter, and forward the Statement to the High Court. Sessions Judges, will, however, continue to submit the new Statement No. III prescribed by Circular Order (Criminal), No. 10, dated 12th July, 1870.

9. Statement E is intended to comprise all appeals preferred either to the Sessions Judge or to the Magistrate, and also references made to the High Court under the provisions of Section 434, Code of Criminal Procedure, either by the Sessions Judge or Magistrate. It will be prepared by the Magistrate who, after entering the total number of appeals before him, will submit it to the Sessions Judge who will enter therein the number of appeals before him. It will be observed that only the total number of appeals before each appellate authority is to be given.

10. The following Quarterly Statements are discontinued :—

CIVIL.

1. Statement of regular cases, instituted and disposed of, &c.

2. Abstract Statement of all the summary suits and miscellaneous business pending, instituted, and disposed of before the Judge and Subordinate Judge.

3. Abstract Statement of all the miscellaneous business pending, instituted, and disposed of by the Courts of Moonsiffs.

Statement of appeals under Act X of 1859, pending, instituted, and disposed of by the Judge.

Statement required in paragraph 8 of Court's Circular Order, No. 10 A, dated 26th April, 1864. (Tullubanah Statement.)

Criminal.

Magistrates' 1 to 5, Statement showing the number of crimes, &c., committed, and the number of persons under trial, convicted &c., by the Magisterial Authorities.

Whipping Statement A to C.

No. 8, Register of trials in which sentence of solitary confinement has been awarded under Section 73 of Act XLV of 1860.

Abstract of business before the Court of Sessions in its appellate jurisdiction.

A.

PART I.

STATEMENT of Civil Work in the District of *for*
the *Quarter of the year* 187

CLASS OF COURTS.	ORIGINAL SUITS.															REMARKS.
	SMALL CAUSE COURT CLASS.					RENT SUITS.					OTHER CASES.					
	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	

A.

PART II.

Pending Cases.

CLASS OF COURTS	SMALL CAUSE COURT CLASS PENDING		RENT SUITS PENDING		OTHER CASES PENDING		REMARKS
	More than 6 weeks.	More than 3 months	More than 6 weeks.	More than 3 months.	More than 3 months	ore than 6 months	

B.

PART I.

Appeals.

CLASS OF COURTS	Small Cause Court Cases.					Rent Cases.					Other Cases.					REMARKS.
	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	

B.
PART II.
Pending.

CLASS OF COURTS.	Small Cause Court Class pending			Rent Cases pending			Other Cases pending			REMARKS.
	More than 6 weeks.	More than 3 months	More than 6 months.	More than 6 weeks.	More than 3 months.	More than 6 months.	More than 3 months.	More than 6 months.	More than one year.	

C.

PART I.

Miscellaneous—Original Cases.

CLASS OF COURTS.	ORIGINAL.					DETAIL OF PENDING CASES.			REMARKS.
	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	More than 6 weeks.	More than 3 months.	More than 6 months.	

C.

PART II.

Miscellaneous—Appeals.

CLASS OF COURTS	Miscellaneous Appeals.					Detail of Pending Cases.			REMARKS.
	Pending.	Instituted or received by transfer.	Total.	Disposed of or transferred.	Remaining.	More than 6 weeks.	More than 3 months.	More than 6 months.	

D.
(Criminal.)

Statement of Offences reported and of Persons tried, convicted and acquitted for each Offence in the District of in the Quarter of the year 187 .

DESIGNATION OF OFFICERS.	Number of Offences reported during Quarter.	Number of Persons under trial during Quarter.	Discharged without trial.	Acquitted.	Convicted.	Remaining under trial.	REMARKS.
1	2	3	4	5	6	7	8
							NOTE.—When a prisoner is convicted of murder and sentenced to death, a note to that effect with date of the reference to the High Court is to be made in this column.

E.
(Criminal.)

Statement showing the result of appeal and revision in Criminal Cases in the District of . *during the Quarter of the year* 187 .

TRIBUNAL.	Number of appellants or persons applying for revision under Section 404, C Cr P.	NUMBER OF PERSONS								REMARKS
		Appeals or applications rejected.	Sentences confirmed	Sentences modified.	Sentences reversed.	Sentences quashed	Further enquiry or evidence ordered	Cases referred for revision to High Court	Pending	
1	2	3	4	5	6	7	8	9	10	11

Circular, No. 32.

(Civil and Criminal Sides.)

DATED CALCUTTA, THE 8TH NOVEMBER, 1870.

In supersession of previous orders on the subject of Annual Statements, the High Court of Judicature hereby direct that the undermentioned Statements shall be submitted in accordance with the instructions following: Under the orders of Government, the Collectors will furnish the several Zillah Judges with the particulars required to complete those parts of the returns which relate to Revenue Courts and Revenue Cases.

The Chief Justice
Mr. Justice Loch.
" L. S. Jackson.

2. This Statement is to be furnished by the Judge from the information in his own Office and that which he will obtain from the several Courts, Civil, Revenue, and Criminal. From the returns received from the several districts under the authority of the Court, a Collective Statement will be prepared by the Court for transmission to the Government. This is a new Statement and absolute completeness in preparing it is not in the first instance to be expected. Attention is directed to clauses (*a*) and (*b*) of the Government Resolution given at

B 1.
Annual.
Showing the various judicial tribunals, original and appellate, existing in the province of on the last day of the year.

(*a*) All Heads of Departments are to fill up and supply the detailed tables proposed by the committee, *only* so far as the entries can be compiled from the materials which have been collected for the more concise tables which have been hitherto supplied with the Administration Reports or Annual Reports of each Department No information which is not already in the Offices is to be sought for.

(*b*) They are to throw into the shape required by the new Statistical Tables all such items and the entries in such columns as can be reliably compiled from the Registers and details which have already been kept up, and only these

foot; and this return is to be forwarded as soon as it can be prepared without delaying, for this purpose, the other Statements now ordered, which do not differ very widely from those previously in use.

3. This Statement is likewise to be submitted annually by the Zillah Judge, who will receive it from the Magistrate of the district. It will comprise all cases in whatever Criminal Court they may have been disposed of, one figure showing the cases of each kind which have been before *all the Courts* of the district. Accused persons who have been committed for trial, but whose cases have not been disposed of by the Court of Session, will be entered as "under trial."

B 2.
Statement of offences reported and of persons tried, convicted, and acquitted for each offence in the district of in the year 18 .

4. This Statement, *Annual*, will be prepared in the Office of the Magistrate of the district on data furnished to him by his subordinates; it will then be forwarded by him to the Zillah Judge, who will add the figures for his own Court and transmit it to the High Court, where a complete Statement for the whole of the territories under the Court's jurisdiction will be prepared.

B. 3.
Statement showing the general result of criminal trials in the tribunals of the various classes in the district of in the year 18 .

5. This return will be furnished *annually* in the same manner as the last preceding, and will require careful attention.

B. 4.
Statement showing the punishments inflicted by various criminal tribunals in the district of in the year 18 .

6. This Statement will be submitted annually by the Zillah Judge, who will first receive from the Magistrate of the district the return of his own Court.

B. 5.
Showing the result of appeal and revision in criminal cases in the district of in the year 18 .

7. This will be an Annual Statement. It will be compiled

B. 6.
Showing the number and description of civil suits instituted in the Civil and the Revenue Courts of the district of
in the year 18 .

in the Office of the Zillah Judge from the materials furnished to him by the Officers presiding in the several Courts (within his district) which are comprised in the Statement. The several denominations of cases are to be entered where such cases occur, as given in the accompanying list* and in that order.

B. 7.
Showing value of suits disposed of in the Civil and Revenue Courts of the district of
in the year 18 .

8. This Statement will in like manner be prepared annually in the Office of the Zillah Judge.

B. 8.
Showing the general result of the trial of civil suits in the Courts of Original Jurisdiction of the district of
in the year 18 .

9. This will be an Annual Return.

B. 9.
Showing the business of the Civil and Revenue Appellate Courts of the district of
in the year 18 .

10. This Statement of appellate business, prepared in the same manner, will be annual.

11. In regard to these two Statements (8 and 9), the Zillah Judge will take care that the proper Officer of his Court, as well as the subordinate Courts, collect at convenient intervals the information requisite for completing these Statements at the end of each year, although Quarterly Detailed Statements of a corresponding kind are not now required.

12. This Statement, which comprehends the execution of decrees in all the Courts of the district, will be completed in the Office of the Zillah Judge. The cases to be entered in the 6th column will include those in which the execution proceed-

B. 10.
Annual.
Shows the execution of the decrees of the Civil and Revenue Courts of the district of
in the year 18 .

* Suits for money, distinguishing suits up to Rs. 500, cognizable by Small Cause Courts from "other cases."
Suits under the Rent Law.
Other suits.

ings have been "struck off the file" or have come to an end for the time being, although complete execution has not been obtained.

13. This Statement will be compiled under the direction of the Zillah Judge from the records in his Office. It will usually be a blank, except in regard to the Court of Session, and the penultimate column may be filled by reference to the orders of the local Government in this particular.

B. 11
Showing use of Juries and Assessors in the Civil and Criminal Courts of

14. In publishing these forms, the Court desire to impress it upon the Zillah Judge and other Officers concerned in the preparation of them, that returns of this kind, unless they are correct and framed in exact compliance with instructions, are not merely valueless but mischievous. It will be expected, therefore, that pains will be taken to render returns as correct as possible.

15. The Statements mentioned in the accompanying list being no longer necessary, or being superseded by those now directed, may be dispensed with.

LIST OF STATEMENTS DISCONTINUED.

CIVIL.

1. Statement of regular cases pending, instituted, and disposed of, &c.

2. Abstract Statement of all the summary suits and miscellaneous business pending, instituted, and disposed of before the Judge and Subordinate Judge.

3. Abstract Statement of all the miscellaneous business pending, instituted, and disposed of by the Moonsiffs.

4. Detailed Statement of the different descriptions of original suits instituted before the Judge and Moonsiffs.

5. Statement of appeals from Subordinate Judges' and Moonsiffs' decisions.

6 & 6A. Statement showing the average duration of suits and appeals.

7. Statement of debtors confined in the Civil Jails.

8. Statement of deeds registered.

Statement of applications for execution of decrees, C. O. No. 43, dated 31st December, 1861.

Statements A and B, the former exhibiting the stamp receipts and also the receipts on account of Ameens' fees, and the latter showing the cost to Government of the Civil Courts of different grades.

C. Statement of Peons' Fee Fund.

Statement showing the state of the execution of decree files.

CRIMINAL.

Nos. 1 to 5. Magistrates' Statements.

No. 3. Table showing the number of persons apprehended, &c.

„ 6. Average duration of cases.

„ 7. Register of fines.

„ 8. Register of sentences, if solitary confinement has been awarded.

Whipping Statements A to C.

Statement of cases instituted under Sections 13 and 14 of Act III of 1857, C. O. No. 5, dated 9th June, 1859.

Statements 1 to 3 of commitments and appeals before the Sessions Court.

Statement 2. Average duration of cases referred to the High Court.

„ 3. Table showing the number of persons apprehended, &c.

„ 7. Register of fines.

„ 8. Register of forfeiture of property.

„ 9. Register of sentences of solitary confinement.

„ 10. Average duration of cases in the Sessions Court.

Statement of persons sentenced to seven years and upwards, C. O. No. 12, dated 5th June, 1863.

Statement of appeals under the Whipping Act.

Whipping Returns.

B.

JUDICIAL

Showing the various Judicial Tribunals, Original and Appellate,

1	2	3	4	5	6	7	8
Class of tribunal distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions	Average area of each Division in square miles.	Average population of each Division	Number of tribunals.	Constitution of tribunals stating No of Judges in each and Jury or Assessors, if any	Judicial powers of each tribunal, original and appellate	Prescribed qualification of Judges previous to appointment.
Village Officers or Punchayets,							
Local and Subordinate Magistrates exercising Criminal powers only, { Paid, / Unpaid,							
Local and Subordinate Magistrates exercising Criminal and Civil powers, { Paid, / Unpaid,							
Local and Subordinate Magistrates exercising Criminal and Revenue powers, { Paid, / Unpaid,							
Local and Subordinate Magistrates exercising Criminal, Civil, and Revenue powers, { Paid, / Unpaid,							
Small Cause Courts confined to proper functions,							
Small Cause Courts exercising also ordinary Civil or Revenue powers,							
Moonsiffs exercising only Civil Powers,							
Ditto exercising also Revenue powers,							
Boards of Magistrates, { Paid, / Unpaid,							
Magistrates of full powers exercising only Criminal powers,							
Magistrates of full powers exercising also Revenue powers,							
Magistrates of full powers exercising also Revenue and Civil powers,							
Magistrates exercising powers described by Act XV of 1862 (*and so on, detailing all the different classes of tribunals existing in the Province, and stating separately those exercising any different combination of powers*),							
NOTE.—The above are only examples, and where any class mentioned does not exist, it may be omitted Sessions and Chief Courts and all other tribunals will follow.							
☞ *At the end an Abstract should be given showing the total number of Original and Appellate Courts of each grade in each Department.*							

STATEMENTS—1.

existing in the district of *on the last day of the year.*

9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Total number of Judges				Average Annual Salary of each paid Judge.							Number of Cases decided during the year			
European.														
Covenanted.	Commissioned Military Officers	Uncovenanted.	Native.	European.	Native.	Total cost of tribunals.	Net receipt from stamps	Executive or other functions exercised by the same Officers	Average No of days in the year devoted to Judicial work.	Average No of Advocates attached to each tribunal.	Criminal.	Civil.	Revenue.	Appeal.

JUDICIAL STATEMENTS—2—(CRIMINAL.)

Statement of offences reported and of persons tried, convicted, and acquitted for each offence in the district of in the year 18

DESCRIPTION OF OFFENCES.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, transferred.	Remaining under trial.	REMARKS.
According to the classified list which accompanies. It will not of course be necessary to enter all the headings in the classified list in this column, but only the headings descriptive of offences actually committed, entered according to the order given in the list which follows the arrangement of the chapters in the Penal Code.							The number committed out of those remaining under trial should be noted in this column for remarks.

JUDICIAL STATEMENTS—3—(CRIMINAL.)

Statement showing the general result of criminal trials in the tribunals of various classes in the district of in the year 18 .

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF TRIBUNALS.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.								
	Remaining at end of last year.	Brought to trial during present year				by		Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended	REMARKS.
		Under arrest by Police.	Upon warrant.	On summons.	Voluntarily.	Received transfer.	TOTAL.									
Village Officers																
Unpaid Magistrates																
Local and Subordinate paid Magistrates																
Full power Magistrates excercising jurisdiction throughout the district																
Chief Magistrates of districts ...																
TOTAL MAGISTRACY																
SESSIONS COURTS																
HIGH COURT																
GRAND TOTAL																

JUDICIAL STATEMENTS—4—(CRIMINAL.)

Statement showing the punishments inflicted by various criminal tribunals in the district of in the year 18

CLASS OF TRIBUNALS.	PERSONS SENTENCED TO — Death.	PERSONS SENTENCED TO — Transportation. — For life.	PERSONS SENTENCED TO — Transportation. — For a term.	PERSONS SENTENCED TO — Penal servitude.	PERSONS SENTENCED TO — Imprisonment. — Rigorous — With solitary confinement	PERSONS SENTENCED TO — Imprisonment. — Rigorous — Without solitary confinement.	PERSONS SENTENCED TO — Imprisonment. — Simple.	PERSONS SENTENCED TO — Forfeiture of property.	PERSONS SENTENCED TO — Fine. — With imprisonment.	PERSONS SENTENCED TO — Fine. — Without imprisonment.	PERSONS SENTENCED TO — Whipping — In addition to other punishment.	PERSONS SENTENCED TO — Whipping — In lieu of other punishment	PERSONS ORDERED TO FIND OR GIVE — Surety of the peace.	PERSONS ORDERED TO FIND OR GIVE — Recognizance.	PERSONS ORDERED TO FIND OR GIVE — Sureties for good behaviour.	DETAIL OF PUNISHMENT. — Fine. — Rs 10 and under.	Fine. — Rs. 50 and under	Fine. — Rs 100 and under.	Fine. — Rs. 500 and under.	Fine. — Rs. 1,000 and under.	Fine. — Above Rs. 1,000.	Fine. — Total amount of fines.	Fine. — Amount realized	Fine. — Amount paid by way of compensation.	Imprisonment. — 15 days. — Rigorous.	Imprisonment. — 15 days. — Simple.	Imprisonment. — 6 months — Rigorous.	Imprisonment. — 6 months — Simple.	Imprisonment. — 2 years — Rigorous.	Imprisonment. — 2 years — Simple.	Imprisonment. — 7 years. — Rigorous.	Imprisonment. — 7 years. — Simple.	Imprisonment. — Above 7 years. — Rigorous.	Imprisonment. — Above 7 years. — Simple.	Whipped. — 10 Stripes and under.	Whipped. — 20 Stripes and under.	Whipped. — 30 Stripes and under.

JUDICIAL STATEMENTS—5—(CRIMINAL).

Statement showing the result of appeal and revision in criminal cases in the district of during the year 18

1	2	3	4	5	6	7	8	9	10	11
TRIBUNALS.	Number of appellants or persons applying for revision under Section 404, C. Cr. P.	Number of Persons.								REMARKS.
		Appeals or applications rejected.	Sentences confirmed.	Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	

JUDICIAL STATEMENTS—6—(CIVIL.)

Statement showing the number and description of civil suits instituted in the Civil Courts of the district of in the year 18 .

CLASS OF TRIBUNALS.	Suits for money, distinguishing suits up to Rs 500, cognizable by Small Cause Courts from "other cases."																		Suits under the Rent Law.								Other suits.													REMARKS.
	On written objection.		On unwritten.		On account stated.		Money had and received.		Goods sold.		Breach of contract not mentioned above.		Rent not falling under the Rent Law.		Movable property or value thereof.		Damages.		Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion, or withholding receipts, or on account of illegal restraint or other cause.	For pottahs or kuboolents.	For ejectment or recovery of possession.	For recovery of money or accounts from Agents.	All other suits under the Rent Law not included above.	Suits for immovable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.																						

JUDICIAL STATEMENTS—7—(CIVIL.)

Statement showing value of suits disposed of in the Civil and Revenue Courts of the district of in the year 18 .

1	2	3	4	5	6	7	8
VALUE OF SUITS.	Number of suits disposed of in different Courts.					Total value of suits.	REMARKS.
	Village Courts.	Small Cause Courts.	Moonsiffs', Deputy Collectors', & other Sub-Divisional Courts.	District Courts.	Superior Courts.		
IN CIVIL COURTS.							
Rs.							
Not exceeding 5							
Ditto 20							
Ditto 100							
Ditto 500							
Ditto 1,000							
Ditto 5,000							
Ditto 10,000							
Ditto 1,00,000							
Exceeding 1,00,000							
TOTAL ...							
IN REVENUE COURTS.							
Not exceeding 5							
Ditto 20							
Ditto 100							
Ditto 500							
Ditto 1,000							
Ditto 5,000							
Ditto 10,000							
Ditto 1,00,000							
Exceeding 1,00,000							
TOTAL IN REVENUE COURTS ..							
GRAND TOTAL ...							

JUDICIAL STATEMENTS—8—(CIVIL.)

Statement showing the general result of the trial of civil suits in the Courts of Original Jurisdiction in the Province of in the year 18 .

CLASS OF COURTS	Suits remaining from last year	Instituted in	Received by transfer	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default	Withdrawn with leave	Compromised	Decreed on confession	Decreed *ex parte*.	Dismissed *ex parte*.	Contested.		Total disposed of.	Pending.	Over two months.	Over four months.	Average duration of suits.		Referred to arbitration	REMARKS.
													Judgment for Plaintiff in whole or part	Judgment for Defendant.					Contested.	Uncontested.		
Village Courts																						
Small Cause Courts																						
Unpaid local Tribunals																						
Paid Sub-Divisional Tribunals ...																						
District Courts other than Chief Courts of Districts																						
Chief Courts of Districts ...																						
Superior Courts of General Jurisdiction ..																						
Superior Courts of Special Jurisdiction ... Admiralty ...																						
Testamentary ..																						
Matrimonial ...																						
Insolvent... ...																						
TOTAL ...																						
REVENUE COURTS.																						
Unpaid local Tribunals																						
Paid Sub-Divisional Tribunals ..																						
Courts of Collectors																						
TOTAL ...																						
GRAND TOTAL ...																						

JUDICIAL STATEMENTS—9—(CIVIL.)

Statement showing the business of the Civil and Revenue Appellate Courts of the Province of in the year 18 .

CLASS OF COURTS.	Remaining	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default, or under 5 and 6, Act XXIII. of 1861.	Heard *ex parte*			Contested.				Total disposed of.	Pending.	Over four months.	Objections under Section 348, Act VIII, of 1869.	Objections allowed.	REMARKS.
							Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.						
Civil Appellate Court other than Chief Court of District																			
Collector's Appellate Court																			
CHIEF APPELLATE COURT OF DISTRICT ... { Civil Appeals ... / Revenue Appeals ...																			
Superior Appellate Courts other than Chief Court of Province, each class of Courts being specified																			
CHIEF COURT OF PROVINCE { Regular Appeal from Judge or Bench in Original Jurisdiction.. / From District Courts ... ... / Special Appeals																			
Total																			

JUDICIAL STATEMENTS—10—(CIVIL.)

Statement showing the execution of the decrees of the Civil and Revenue Courts of the Province of in the year 18 .

CLASS OF COURTS.	Applications to execute decrees.				Decrees completely executed.	Decrees partially executed.	Pending at the end of	Decrees executed by possession being given.	Nature and number of coercive processes issued.						Remarks.
	Pending.	Filed.	Received by transfer.	Total.					Imprisonment of person.	Movable property.		Immovable property.		Orders under Section 243, Code of Civil Procedure.	
										Attached.	Sold.	Attached.	Sold.		

JUDICIAL STATEMENTS—11.

Statement showing the use of Juries and Assessors in the Civil and Criminal Courts of the Province of in the year 18 .

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jury or Assessors in each case, and proscribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury Trials.		Assessors' Trials.		Note showing in what classes of cases Juries and Assessors have been principally employed	Remarks.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		

CLASSIFICATION OF CRIMES AND OFFENCES.

CLASS I.

OFFENCES AGAINST THE STATE, THE PUBLIC, AND JUSTICE.

Against the State.

	I. P. CODE.
Waging war against the Queen, ...	121.
Collecting arms or concealing attempt to wage war, ...	122-123.
War or depredation on allied Powers, ...	125 to 127.
Abetment of mutiny, ...	131-132.
Relating to Coin, Stamps, Weights and Measures.	
Counterfeiting coin, ...	231 to 238.
Diminishing or altering coin, ...	246 to 249.
Passing or possessing bad or altered coin, ..	239 to 243, and 250 to 254.
Counterfeiting stamps or selling same, ...	255 to 259.
Using as genuine counterfeit Stamps, or effacing or altering same, ...	260 to 263.
Making, using, or possessing false weights or measures, ...	264 to 267.
Against Public Justice.	
Personating Public Servant or Soldier, ...	140, 170-171.
Concealing design to commit offence, ...	118 to 120.
Omitting to give information of offence, or giving false information, ...	176-177, 181, 182, 202-203.
Causing disappearance of evidence, ...	201 to 204.
Resisting, obstructing, or omitting to assist Public Servant, ...	183 to 187, 189-190.
Disobedience of lawful order, causing injury,	188.
Itentional insult or interruption in Judicial proceeding, ...	228.

Harbouring an offender, ... 212, 216.
Taking gift to screen offender, ... 213 to 215.
Resistance to lawful apprehension and rescue, 224-225.
Escape from lawful custody or transportation, 224-226.
Absconding from, avoiding, or disobeying summons or notice, or order to attend, or produce, or refusing to answer or sign, .. 172-175 and 178 to 180.
Failure in attending as juror or assessor, ... C. P. C, 354.

By Public Servants.

Taking valuable thing by or to influence Public Servant, ... 161-165.
Public servant acting illegally to injure any person, ... 166-167.
„ unlawfully trading, ... 168-169.
„ fraudulently defeating punishment or forfeiture, ... 217-218.
„ wilfully making order or decision contrary to law, ... 219-220.
„ intentionally omitting to apprehend or permitting to escape, ... 221-222.
„ negligently suffering escape, 129-223.
Breach of Police Act by Police Officers.

False Evidence, False Complaints or Claims, and Forgery.

Giving false evidence, ... 193 to 196.
Fabricating false evidence, ... 193 to 196.
Making, issuing, or using false statement or certificate, ... 197 to 200.
False personation in Judicial proceeding, .. 205 to 229.
Fraudulent claim to, or concealment of property, or suffering of decree, ... 206 to 208, 421 to 424.
False claim in Court of Justice, ... 209-210.
„ charge of offence, ... 211.
Frivolous or vexatious complaint, ... C P. C. 170.

Forgery or fraudulently using or possessing forged document, ...	465-466, 467-468, 469-471, 473 to 477.
Making or using false trade marks, ...	482 to 489.

Public Nuisances.

Public nuisances under Penal Code, ...	269 to 294.
Nuisances under Police or Municipal and Local Acts.	

Relating to the Public Peace.

Rioting or unlawful assembly, ...	143 to 153. 157-158.
Omitting, to inform of, or prevent, riot, ...	154 to 156.
Affray, ...	160.
Offences relating to religion, ...	295 to 298.

CLASS II.

OFFENCES AGAINST THE PERSON.

Murder, 302-303.	By thugs.		
	By dacoits.		
	By robbers.		
	By poison	for sake of robbery.	
		from other motives.	
	Other murders....	from motives connected with women.	
		from other motives.	

	I. P. CODE.
Attempt to murder, ...	307.
Culpable homicide, ...	304-308.
Abetment of suicide, ...	305-306.
Attempt to commit suicide, ...	309.
Causing miscarriage, ...	312-316.
Exposure of infant or concealment of birth, ..	317-318.
Grievous hurt, ...	325-326.
„ on grave and sudden provocation, ...	335.

Hurt,	323-334.
„ by dangerous weapons,	324.
Administering stupefying drugs,	328.
Causing hurt to extort property or confession	327, 329 to 333.
Act dangerous to life or safety,	336-337.
Wrongful restraint,	341.
„ confinement,	342 to 346.
„ „ to extort property or confession,	347-348.
Assault or use of criminal force,	352, 355, 358.
Criminal intimidation or insult,	504 to 509.
Causing annoyance in state of intoxication,	510.
Unlawful compulsion of labour,	374.
Buying or disposing of any person as a slave,	370-371.
Kidnapping or abduction,	363 to 365, 367 to 369.
Abducting a woman to compel marriage or for defilement,	366.
Selling, letting, or unlawfully obtaining a woman for purposes of prostitution,	372-373.
Enticing a married woman with criminal intent,	498.
Fraudulent and unlawful marriages,	493 to 496.
Adultery,	497.
Rape,	376.
Unnatural offences,	377.
Defamation,	500 to 502.

CLASS III.

Offences against Property.

With violence.

	I. P. Code.
Dacoity,	395, 397, 398.

Preparation or assembly for dacoity,	399, 402.	
Robbery with hurt or deadly weapon,	394, 397, 398.	By poison or stupefying drugs By other means
Robbery,	392, 393.	In a dwelling-house. On the high way. Elsewhere.
Extortion,	384 to 389.	
House-breaking or house-trespass, in order to commit theft,	451, 454, 457.	
House-breaking or house-trespass, in order to commit an offence other than theft,	449-450-451, 454, 457.	
House-breaking or house-trespass, with preparation for, or attempt at, hurt,	452, 455, 458, 460.	
House-breaking or lurking, House-trespass,	452, 455, 458.	

Without violence.

Theft { of cattle / ordinary }	379-380-381.	
Dishonestly receiving stolen property,	411 to 414.	
Dishonest misappropriation of property,	403-404.	
Criminal breach of trust,	406 to 409.	
Cheating,	417 to 420.	

Malicious Offences.

Mischief, ordinary,	426-427. 430 to 433.	
Mischief by poisoning or killing cattle,	420-429.	
„ by destroying landmarks,	434.	

Serious mischief by fire,..... 435-436, 438.
Criminal trespass or house-trespass, 447.
Breaking closed receptacle,..... 461-462.

CLASS IV.

NOT INCLUDED IN THE ABOVE CLASSES.

		I. P. CODE.
Belonging to a gang of	Thugs,.....	311.
	Dacoits, ...	400.
	Thieves, ...	411.
Vagrancy without ostensible means of livelihood, ...		C. C. P., 295.
Bad habit and repute, ...		C. C. P., 296-297.
Criminal breaches of contracts of service,.....		490-492.

Breaches of special Laws for the protection of the Revenue, or on other subjects,—the Acts being specified.

Breaches of laws relating—

To excise on spirits and drugs,
„ opium.
„ salt and saltpetre.
„ sea and land customs.
„ stamps.
„ paper currency.
„ mint.
„ post office.
„ electric telegraph.
„ payment of watchmen.
„ municipalities.
„ jails.
„ forests.
To ferries.
„ canals.
„ railways.
„ tools.
„ stage coaches.
„ the press.
„ gaming and lotteries.
„ wandering and dangerous lunatics.
„ cattle-trespass.
„ possession of arms.
„ foreigners.
„ emigration.

Circular, No. 33.

DATED CALCUTTA, THE 23RD NOVEMBER, 1870.

In supersession of the instructions contained in Circular Order, No. 8, dated 2nd May last, the Court directs that all records of cases sent up to the High Court may be transmitted by Banghy-post instead of by Letter-post, *prepayment* of the requisite postage being made in every instance in the manner prescribed by Rule 25 of the Post Office Rules notified at page 170, Part I, of the *Gazette of India* of 12th March, 1870.

The Offg Chief Justice.
Mr Justice Loch
" Bayley
" L S Jackson.
" E Jackson.

2. Should there be no sufficient provision in the local Budgets to meet such a charge, a supplemental Estimate of the cost which will probably thus be incurred should be prepared and submitted to the Comptroller General of Accounts *at once* for transmission to the Government of India.

Circular, No. 34.

DATED CALCUTTA, THE 10TH DECEMBER, 1870.

The Government of India being desirous of information on the question of the increase which will be required in the strength of the Subordinate Judicial Agency in Bengal, in consequence of the transfer of rent-suits from the Revenue to the Civil Courts, under the operation of Act VIII (B. C.) of 1869, the Court directs that the Judges of the Districts* to which additional Moonsiffs have been appointed will report how far that assistance has been found sufficient to cope with the work thrown upon the Moonsiffs of their Districts; and that the Judges of the other Districts to which the new

* Backergunge.
Chittagong.
Dacca
Gya
Jessore
Midnapore
Mymensingh.
Tippera
24-Pergunnahs

law has been extended will state how far they have succeeded in meeting the accession of work with their former staff of Moonsiffs.

2. The Court also requests all the Judges of the Districts in which Act VIII. (B. C.) of 1869 is in force, to report the actual number (if any) of Additional Moonsiffs required in each of their Districts after full and careful consideration of the necessity for making any proposition involving increased cost to the State.

3. The Reports must show fully the grounds of any recommendations made, and should be submitted in time to reach this office by the 1st January next.

Circular, No. 35.

DATED CALCUTTA, THE 12TH DECEMBER, 1870.

The High Court of Judicature hereby authorizes the closing of the Subordinate Civil Courts in the districts under its jurisdiction, with the exception of* those comprised in the Province of Behar and named on the margin, on the dates specified in the annexed list, being the Christian and Native Holidays permitted to be observed in the ensuing year 1871.

* Bhagulpore.
Gya.
Patna.
Sarun
Shahabad.
Tirhoot.

2. The Courts are not to be closed except on the days specified, and this order is not to be taken as justifying the refusal to do any act or make any order for which emergent application may be made, or which may be lawfully made or done out of Court.

List of Authorized Holidays for the Year 1871.

Names of Holidays.	English Date.	Bengalee Date.	Days of the Week.	Number of Days.	Remarks.
New Year's Day and the two days following,	1st to 3rd January,	18th to 20th Pous, 1277,	Sunday to Tuesday,	3 days.	
Day after the Eclipse of the Moon,	7th January,	24th Pous,	Saturday,	1 day.	
Bussunt Punchomee,	25th and 26th January,	13th and 14th Magh,	Wednesday and Thursday,	2 days.	
Shubu Battree,	17th and 18th February,	6th and 7th Falgoon,	Friday and Saturday,	2 days.	
Eed-uz-Zoha,	3rd and 4th March,	20th and 21st Falgoon,	Friday and Saturday	2 days,	If the Moon be visible on the 20th February, the Court will be closed on the 2nd and 3rd March
Dole Jattra,	7th and 8th March,	24th and 25th Falgoon,	Tuesday and Wednesday,	2 days.	
Barrunee Gunga Snan,	19th March,	6th Choitra,	Sunday,	1 day.	
Mohurrum, including Sree Ram Nobomee,	28th March to 1st April,	15th to 19th Choitra,	Tuesday to Saturday,	5 days,	If the Moon be not visible on the 22nd March, the Court will be closed from the 29th March to 2nd April.
Good Friday and the day following,	7th and 8th April,	25th and 26th Choitra,	Friday and Saturday,	2 days.	
Mohabishub Sancrantee,	12th April,	30th Choitra,	Wednesday,	1 day.	
Akheri Chaharshumba,	17th May,	4th Joistho, 1278,	Wednesday,	1 day.	
Queen's Birthday,	24th May,	11th Joistho,	Wednesday,	1 day.	
Dasahara Gunga Snan,	29th May,	16th Joistho,	Monday,	1 day.	
Fatteh-doaz-dohum,	2nd June,	20th Joistho,	Friday,	1 day,	If the Moon be visible on the 20th May, the Court will be closed on the 1st June.
Ruth Jattra,	20th June,	7th Assar,	Tuesday,	1 day.	
Oolta Ruth,	28th June,	15th Assar,	Wednesday,	1 day.	
Day after the Eclipse of the Moon,	3rd July,	20th Assar,	Monday,	1 day.	
Jummo Ustomee,	8th and 9th August,	24th and 25th Srabun,	Tuesday and Wednesday,	2 days.	
Dusserah Vacation, including Mohaloya, Luckhee Poojah, Shub-e-Barrat, Dewalee, and Bhratridiia,	13th October to 14th November,	28th Assin to 29th Kartick,	Friday to Tuesday,	33 days.	
Kartick Poojah,	15th and 16th November,	30th Kartick and 1st Aughran,	Wednesday and Thursday,	2 days.	
Juggutdhattree Poojah,	20th and 21st November,	5th and 6th Aughran,	Monday and Tuesday,	2 days.	
The Eclipse of the Sun,	12th December,	27th Aughran,	Tuesday,	1 day.	
Eed-ul-fitr,	14th and 15th December,	29th Aughran and 1st Pous,	Thursday and Friday,	2 days,	If the Moon be not visible on the 13th, the Court will be closed on the 15th and 16th December.
Christmas Day and the two days following,	25th to 27th December,	11th to 13th Pous,	Monday to Wednesday,	3 days.	

Circular, No. 36.

DATED CALCUTTA, THE 13TH DECEMBER, 1870.

The High Court of Judicature hereby authorizes the closing of the subordinate Civil Courts in the *districts as per margin, comprised in the Province of Behar, on the dates specified in the annexed list, being Christian and Native Holidays permitted to be observed in the ensuing year.

* Bhagulpore.	Sarun.
Gya.	Shahabad.
Patna	Tirhoot.

2. The Courts are not to be closed except on the days specified, and this order is not to be taken as justifying the refusal to do any act or make any order for which emergent application may be made, and which may be lawfully done or made out of Court.

List of Authorized Holidays for the Year 1871.

Names of Holidays.	English Date.	Bengalee Date.	Days of the Week.	Number of Days.	Remarks.
New Year's Day and the two days following, ...	1st to 3rd January, ...	18th to 20th Pous, 1277, ...	Sunday to Tuesday, ...	3 days.	
Days after the Eclipse of the Moon	7th January, ...	24th Pous, ...	Saturday, ..	1 day.	
Bussunt Punchomee, ...	25th and 26th January, ...	13th and 14th Magh, ...	Wednesday and Thursday,	2 days.	
Shibu Rattree, ...	17th and 18th February, ...	6th and 7th Falgoon, ...	Friday and Saturday, ..	2 days.	
Eed-uz-Zoha,.	3rd and 4th March, ..	20th and 21st Falgoon, ..	Friday and Saturday, .	2 days,..	If the Moon be visible on the 20th February, the Court will be closed on the 2nd and 3rd March.
Dole Jattra, ...	7th and 8th March, ...	24th and 25th Falgoon, ...	Tuesday and Wednesday,	2 days.	
Barrunnee Gunga Snan, ...	19th March, ...	6th Choitra, ...	Sunday, ...	1 day.	
Mohurrum, including Sree Ram Nobomee, ...	28th March to 1st April, ..	15th to 19th Choitra, ..	Tuesday to Saturday, ..	5 days,.	If the Moon be not visible on the 22nd March, the Court will be closed from the 29th March to 2nd April.
Good Friday and the day following,	7th and 8th April, ..	25th and 26th Choitra, ..	Friday and Saturday, ..	2 days.	
Mohabishub Sancrantee, ...	12th April, ...	30th Choitra, ...	Wednesday, ...	1 day.	
Akheri Chaharshumba, ...	17th May, ...	4th Joistho, 1278, ..	Wednesday, ...	1 day.	
Queen's Birth-day, ...	24th May, ...	11th Joistho, ...	Wednesday, ...	1 day.	
Dasahara Gunga Snan, ...	29th May, ...	16th Joistho, ...	Monday, ...	1 day.	
Futteh-doaz-dohum, ...	2nd June, ...	20th Joistho, ...	Friday, ...	1 day, ..	If the Moon be visible on the 20th May, the Court will be closed on the 1st June.
Day after the Eclipse of the Moon...	3rd July, ...	20th Assar, ...	Monday, .. .	1 day.	
Jummo Ustomee, ..	8th and 9th August, ...	24th and 25th Sraban, ...	Tuesday and Wednesday,	2 days.	
Dusserah Vacation, including Mohaloya, Luckhee Poojah, Shub-e-Barrat, Dewalee, and Bhratriditia, ...	13th October to 14th November, ...	28th Assin to 29th Kartick, ..	Friday to Tuesday, ..	33 days.	
Chutter Mêla, ...	24th to 29th November, ...	9th to 14th Aughran, ..	Friday to Wednesday, ..	6 days.	
The Eclipse of the Sun,... ...	12th December, ...	27th Aughran, ...	Tuesday, . ..	1 day	
Eed-ul-fitr, ...	14th and 15th December, ...	29th Aughran and 1st Pous,	Thursday and Friday, ..	2 days, ..	If the Moon be not visible on the 13th, the Court will be closed on the 15th and 16th December.
Christmas Days and the two days following, ...	25th to 27th December, ...	11th to 13th Pous, ...	Monday to Wednesday, ..	3 days.	

Circular, No. 37.

DATED CALCUTTA, THE 22ND DECEMBER, 1870.

Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" E. Jackson.

The Court directs that, until the rules contemplated in the Court Fees' Act (VII of 1870) shall have been published, adhesive Court Fee Stamps be received in lieu of cash payments for Peon's fees in all the Civil Courts of the Regulation and Non-Regulation Districts of Bengal, and that a memo. book be kept up in each Court showing the value of the stamps put in, as is done with regard to the stamps used for plaints and appeals.

Circular, Memo. No. 1.

DATED CALCUTTA, THE 3RD FEBRUARY, 1870.

[Relates merely to the submission of the Administration Reports and Returns for 1869, and has no further operation].

Circular, Memo. No. 2.

DATED CALCUTTA, THE 21ST FEBRUARY, 1870.

In continuation of Circular Order, No. 11 of the 7th October, 1869, forwards for information the following copy of a letter, No. 621, dated the 21st February, 1870, from the Registrar of the High Court to the Sheriff of Calcutta.

(Copy.)

SIR,—I am directed by the Court to forward for information a copy of a notice which has this day been posted up for general information. You will observe that all processes and rules of this Court for service in the town of Calcutta will henceforth be delivered by the parties or their pleaders to you direct, and will not, as heretofore, be be forwarded through the Mofussil Courts.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" Phear.

2. I am to request that you will receive no such processes or rules for service unless the requisite fees are tendered to you at the time of delivery, and that you will return them whenever the fees are not so tendered, with an endorsement to that effect.

NOTICE.

The Court having determined to transmit processes and rules intended for service in the town of Calcutta to the Sheriff direct, parties will not from and after this date be required to pay into this Court tulubana in respect of such processes and rules by stamps, as provided in the rules annexed to Circular Order No. 11 of the 7th of October last. Such processes and rules will in future be prepared and made over to the Sheriff for service, and must be delivered to him accompanied by the requisite fees, *viz.*, 2 Rupees for each person to be served.

Circular, Memo. No. 3.

DATED CALCUTTA, THE 14TH APRIL, 1870.

The Chief Justice.
Mr. Justice Loch.
" Beyley.
" Norman.
" L. S. Jackson.

In accordance with the wishes of His Honor the Lieutenant-Governor of Bengal, and with reference to Government Notification, dated the 24th February last,* declaring that Act VIII (Bengal Council) of 1869 shall take effect in the districts therein named from the 13th instant, corresponding with the 1st Bysack, 1277 of the Bengalee era, the Court direct the Judges of those districts in which the new law will be in operation† to watch its working and to

* *Vide Calcutta Gazette* of 2nd March, 1870, page 361.

† Backergunge. Beerbhoom. Bhaugulpore. Burdwan, (E.) Burdwan, (W.) Chittagong. Dacca. Dinagepore. Gya. Hooghly. Jessore. Midnapore. Moorshedabad Mymensingh. Nuddea. Patna. Purneah. Rajshahya. Rungpore. Sarun. Shahabad. Sylhet. Tipperah. Tirhoot. 24-Pergunnahs.

Judgeships according to Civil Jurisdiction.

bring to notice any circumstances connected therewith which shall appear to them, after a fair trial, to call for consideration.

Circular, Memo. No. 4.

DATED CALCUTTA, THE 12TH JULY, 1870.

Mr. Justice Loch.

The Government of Bengal having been pleased to exempt the twelve Chiefs and landholders of the Chota Nagpore Division, mentioned in the marginal statement, from personal attendance in the Civil Courts, the High Court direct that their names be included in the list prepared under the provisions of Section 22, Act VIII of 1859.

DISTRICT.	Names of Chiefs exempted from personal appearance.
LOHARDUGGAH, ...	Lall Opendro Nath Sahee Deo, nephew of the late Maharajah of Chota Nagpore.
	Lall Mokund Nath Sahee Deo, nephew of the late Maharajah of Chota Nagpore.
	Thakoor Indor Nath Sahee Deo, of Govindpore, cousin of the late Maharajah.
MAUNBHOOM, ...	Rajah Nilmoney Singh Deo of Pachete.
SINGBHOOM,.....	Rajah Chukerdhur Singh Bahadoor of Seraikellah.
	Thakur Rughoonath Sing of Khursowan
GURJAT OR POLITICAL ESTATES, ...	Rajah Bondessurre Persad Singh Deo Bahadoor, C. S. I., Rajah of Oodyepore and manager of Sergoojah.
	Lall Mohessuree Persad Singh Deo, his cousin.
	Lall Joypal Singh Deo, his uncle.
	Rajah Protab Narain Sing Bahadoor of Jushpore.
	Rajah Rughoonath Seekhur, of Gangpore.
	Tekait Dyanidhi Deo, his son, manager of Bonaie.

Circular, Memo. No. 5.

DATED CALCUTTA, THE 23RD JULY, 1870.

Mr. Justice Loch.

The Government of Bengal having heen pleased to exempt Rajah Rajendro Narain Deb Bahadoor of Shobha Bazar, Calcutta, from personal attendance in the

Civil Courts, the High Court direct that his name be included in the list prepared under the provisions of Section 22, Act VIII of 1859.

Circular, Memo. No. 6.

DATED CALCUTTA, THE 3RD AUGUST, 1870.

Mr. Justice Loch.
" Bayley.
" L. S. Jackson.

The attention of Judges of all grades is called to the orders of the Government of India in the Financial Department, contained in the Circular No. 1547, dated 30th June, 1870, which is reprinted on the margin.

"Whenever there are two routes available for transmission of Official Correspondence between any two Indian Post offices, *i. e.*, one by Mail Steamer and the other by inland post, it should be borne in mind that ordinarily, unless the despatches are marked for transmission by the Mail Steamers, they will be liable to be sent by the inland post. The despatching office should however use its discretion in marking them, inasmuch as the Indian Post Office Department having to pay over to the London Post Office the sea postage on covers sent by British Mail Steamers, an actual extra charge is involved in sending letters by that route. When letters are so marked, the steam postage should be prepaid."

Circular, Memo. No. 7.

DATED CALCUTTA, THE 17TH DECEMBER, 1870.

Forwards copy of a letter [No. 3816, dated the 17th December, 1870, from the Registrar of the High Court to the Superintendent of Stationery] to all Zillah Judges and District Magistrates for information and guidance, with the request that in making their indents upon the Superintendent of Stationery, they will pay particular attention to the instructions given to that Officer in the 4th paragraph of the annexed letter, and invariably inform him of the number of Slip Statements required by them in English and the Vernacular.

(Copy.)

(CIVIL AND CRIMINAL SIDES.)

With a view to enable the Civil and Criminal Authorities subordinate to Civil and Sessions Judges to makePeriodical Returns to the latter in such forms as shall be available for the preparation of the *Quarterly* Returns enjoined on such Judges by C. O. No. 31, dated 4th November last, the Court have prepared *slip forms* (A, B, C, & D) as per margin, of which specimens are sent herewith, and direct me request you will be so good as to provide at once a sufficient supply of the same for the use of Subordinate Judges and Moonsiffs as well as of District Magistrates and Sub-divisional Officers.

Forms, Civil and Criminal.

A. Statement of *Civil* work in the Court of Subordinate Judge or Moonsiff as the the case may be.

B. Statement of appeals before the Courts of Subordinate Judges.

C. Statement of miscellaneous work. (Two forms bear this letter, one for Subordinate Judges, the other for Moonsiff).

D. Statement of offences reported and persons tried.

2. As regards the *Civil* forms (A, B, & C), I am to point out that Statement B, which relates to appeals only, will not be required for Moonsiffs whose Courts are purely Courts of original jurisdiction: of this form, therefore a smaller supply will suffice. Specimens of the three forms above mentioned in both Bengali and Oordoo* are sent herewith. These Returns will be submitted by the various subordinate Courts to the Judge monthly. Each Officer will therefore require twenty-four as a year's supply, *i. e.*, one for despatch and one for record in his Office each month. To this number six more may be added to meet contingencies, accidents, &c. A year's supply therefore to each Subordinate Civil Officer should not exceed thirty copies.

3. Form D, which is *Criminal*, will be required by Sub-divisional Officers, and a specimen in Bengali and Oordoo is accordingly forwarded.

* The only Oordoo Judgeships are Bhagulpore, Gya, Patna, Sarun, Shahabad, and Tirhoot: the rest may be supplied with Bengali forms.

4. As the above Return will be required to be made *quarterly*, and as two copies will be necessary for each Officer, one for his Office draft and the other for the despatch copy, eight copies would be necessary, to which might be added four copies to provide for accidents and other contingencies. It will therefore be sufficient if twenty copies of each form are provided by you as a year's supply for each Officer requiring them.

5. For your information and guidance in applying the above principle, and with a view to check local indents, I am to append hereto a list showing the number of Subordinate Judges and Moonsiffs in each Judgeship, as well as the number of Magistracies and sub-divisions subordinate to the High Court.

6. In requesting you in the first paragraph of this letter to lay in a sufficient stock of these statements, the Court are particularly anxious to avoid a very large stock of Vernacular slips being at once printed. It is their intention to direct Judges and Magistrates, in making their indents, to specify the number of Slip Statements that they will require in English and in the Vernacular, and, after these forms have been in use a short time, you will probably not find much difficulty in estimating with tolerable exactness the number of both kinds which you will require to keep in store.

7. I am to remind you, in conclusion, that all indents from Subordinate Judges and Moonsiffs are to be submitted through their superior, the District Judge, as provided in paragraph 3 of C. O. No. 16, dated 17th June, 1870.

P. S.—A set of these forms when printed or lithographed should be sent for record in this Office.

A.

PART I.

Statement of Civil Work in the Court of Subordinate Judge or Moonsiff, as the case may be, in the District of for of the year 187 .

CLASS OF COURTS.	ORIGINAL SUITS.															REMARKS.
	SMALL CAUSE COURT CLASS.					RENT SUITS.					OTHER CASES.					
	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	

A.

PART II.

Pending Cases.

CLASS OF COURTS.	SMALL CAUSE COURT CLASS PENDING		RENT SUITS PENDING		OTHER CASES PENDING		REMARKS.
	More than six weeks.	More than three months	More than six weeks.	More than three months	More than three months.	More than six months.	

B.

PART I.

Appeals.

CLASS OF COURTS.	SMALL CAUSE COURT CLASS.					RENT CASES.					OTHER CASES.					REMARKS.
	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	

B.

PART II.-

Pending.

CASES OF COURTS.	SMALL CAUSE COURT CLASS PENDING.			RENT CASES PENDING.			OTHER CASES PENDING.			REMARKS.
	More than 6 weeks.	More than 3 months.	More than 6 months.	More than 6 weeks.	More than 3 months.	More than 6 months.	More than 3 months.	More than 6 months.	More than 1 year.	

C.

PART I.

MISCELLANEOUS.—ORIGINAL CASES.—*In the Court of the Subordinate Judge of*

19

Class of Courts.	ORIGINAL.					DETAIL OF PENDING CASES.			REMARKS.
	Pending.	Instituted or received by transfer.	Total.	Disposed of by final order or transfer.	Remaining.	More than six weeks.	More than three Months.	More than six months.	

C.

PART II.

Miscellaneous Appeals.

Class of Courts.	MISCELLANEOUS APPEALS.					DETAIL OF PENDING CASES.			REMARKS.
	Pending.	Instituted or received by transfer.	Total.	Disposed of or transferred.	Remaining.	More than six weeks.	More than three months.	More than six months.	

D. (Criminal.)

Statement of offences reported and of persons tried, convicted and acquitted for each offence in the District of in the Quarter of the year 187 .

Designation of officers.	Number of offences reported during quarter.	Number of persons under trial during quarter.	Discharged without trial.	Acquitted.	Convicted.	Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8
							Note.—When a prisoner is convicted of murder and sentenced to death, a note to that effect with date of the reference to the High Court is to be made in this column.

Circular, No. 1.

DATED CALCUTTA, THE 4TH JANUARY, 1871.

[*This Circular will be found in the place of No. 7, dated 22nd March,* 1871, *by which it was superseded for a time. It was again called into effect by C. O. No.* 16, *dated 22nd May,* 1871.]

Circular, No. 2.

DATED CALCUTTA, THE 10TH JANUARY, 1871.

The Court directs that all orders by all Civil Courts for the attachment of estates and shares of estates shall be immediately notified to the Collector of the District within which such estates or shares of estates are situated.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" E. Jackson.

Circular, No. 3.

DATED CALCUTTA, THE 17TH JANUARY, 1871.

The attention of all Civil Courts subordinate to the High Court is drawn to the provisions of section 30 of the Court Fees' Act (VII.) of 1870, prohibiting the use, in any proceeding, of any document requiring a stamp under that Act until such stamp has been cancelled, and prescribing the mode in which cancellation is to be effected.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" E. Jackson.

2. The Civil Courts subordinate to the High Court are at the same time directed, at the suggestion of the Government of India, to cause the labels affixed to documents *issued* by them and liable to a fee under the Act to be cancelled *at the time that they are affixed*, such a course being calculated to protect the revenue and prevent all evasions of the law.

Circular, No. 4.

DATED CALCUTTA, THE 2ND FEBRUARY, 1871.

The recent Circular Order dated 8th November, 1870, No. 32, by which new forms of Annual Statements are prescribed, having provided no form for the submission of the Annual Reports, the following directions are now issued for the guidance of all Zillah Judges in supersession of previous orders on the same subject:—

The Offg. Chief Justice.
Mr Justice Loch.
" Bayley.
" L. S Jackson.
" E. Jackson

I. Report on the Administration of Civil Justice.

This report will present the main features of the year's administration under the heads, and in the Tabular shapes following:—

ORIGINAL JURISDICTION.

Table showing the suits instituted, disposed of, and pending in the past year, as compared with the preceding year.

	INSTITUTED.		DISPOSED OF		PENDING.	
	1869.	1870	1869	1870	1869	1870.
Increase, ...						
Decrease, ...						

Table showing suits commenced and suits disposed of in 1870, *and pending at the close of that year in the various Courts of the district.*

	Commenced.	Disposed of.	Pending.
Judge, ...			
Additional Judge, ...			
Subordinate Judge, ...			
Second Subordinate Judge, ...			
Moonsiff of, ...			
Moonsiff of, ...			

NOTE.—A suit transferred to another Court is not thereby disposed of.

Table showing number and value of suits of different kinds commenced in all Courts of the district in the past, as compared with the preceding year.

Description of suits.	No. in 1869.	No. in 1870	Value, 1869.	Value, 1870.
Suit of Small Cause Court class, ...				
Rent Suits, ...				
Other Suits, ...				
Increase,.....				
Decrease,.....				

Table showing miscellaneous cases of a judicial nature other than regular suits or proceedings in execution, disposed of by, and pending in, each of the Courts in—

	Disposed of.		Pending.	
	1869.	1870.	1869.	1870.
Zillah Judge,.....				
Additional Judge, ...				
Subordinate Judge, ...				
Second Subordinate Judge, ...				
Moonsiff of,.....				
Moonsiff of,.....				

Table showing number of decrees completely and partially executed in 1870 in the several Courts of the district.

	Completely.	Partially.	Amounts realized.
Zillah Judge, ...			
Additional Judge, ...			
Subordinate Judge, ...			
Second Subordinate Judge, ...			
Moonsiff of,.....			
Moonsiff of,.....			

APPELLATE JURISDICTION.

Table showing appeals from decisions in Original Suits instituted in the district, disposed of and pending in the past year, as compared with the preceding.

APPEALS.	INSTITUTED.		DISPOSED OF.								PENDING.							
	1869.	1870.	1869.				1870.				1869.				1870.			
	In Zillah Court.	In Zillah Court.	Judge.	Subordinate Judge.	Second Subordinate Judge.	Small Cause Court Judge, with powers of Subordinate Judge.	Judge.	Subordinate Judge.	Second Subordinate Judge.	Small Cause Court Judge, with powers of Subordinate Judge.	Judge.	Subordinate Judge.	Second Subordinate Judge.	Small Cause Court Judge, with powers of Subordinate Judge.	Judge.	Subordinate Judge.	Second Subordinate Judge.	Small Cause Court Judge, with powers of Subordinate Judge.
Increase, ...																		
Decrease, ...																		

Table showing the number of appeals preferred to Zillah Courts from each of the Subordinate Courts in the district, the ratio of appeals to decisions, the number of decisions affirmed, and ratio of affirmed to decided.

Appeals from	Appeals preferred.	Ratio of appeals to decisions.	No. of decisions affirmed.	Ratio of affirmed to decided.
Subordinate Judge, ...				
Second Subordinate Judge, ...				
Small Cause Court Judge, with powers of Subordinate Judge,				
Moonsiff of,.....				
Moonsiff of,.....				

Similar statements for miscellaneous appeals of all kinds.

Apposite observations as to increase or decrease of business, or the like, to accompany each table, where necessary.

These tables to be followed by a report on the condition of the Judicial buildings, the records of the several Courts, the Judge's library, and the securities of those public Officers from whom security is required.

The character, qualifications, and official merits of the several Subordinate Judges and principal Ministerial Officers to be made the subject of a separate report, in which the work done by, and the result of appeals from, such Officers are to be analyzed and commented upon, only as aids to forming a judgment as to their respective deserts and fitness for promotion, or continuance in the public service. This, however, is not to debar Zillah Judges from recording in their Administration Reports any instance of special and distinguished merit on the part of any of their subordinates which they consider deserving of conspicuous mention, and entitling the person indicated to the favorable notice of the Court or of Government.

Circular, No. 5.

DATED CALCUTTA, THE 25TH FEBRUARY, 1871.

The Court directs that Judges of Small Cause Courts will submit annual returns of their work to the Judges of the Districts in which their Courts are respectively situated in the four forms appended hereto,* in supersession of the returns hitherto made to the Court direct under the provisions of Circular Order No. 12, dated 19th December, 1862. The returns now prescribed will begin with the work of the past year, 1870.

* Nos. 6, 7, 8 and 10 (Judicial).

2. These instructions will not interfere with the *monthly* returns Nos. 1 and 2, prescribed by the same Circular Order, which will continue to be made to the High Court as heretofore.

JUDICIAL STATEMENTS—6.—(SMALL CAUSE COURTS).

Statement showing the number and description of Civil Suits instituted in the Court of Small Causes at in the year 18 .

CLASS OF TRIBUNALS.	On written Obligation.		On Unwritten.		On account stated.		Money had and received.		Goods sold.		Breach of contract not mentioned above.		Rent not falling under the Rent Law.		Movable property or value thereof.		Damages.		REMARKS.
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs 500 and under.	Above Rs 500.	Rs. 500 and under.	Above Rs. 500.	

JUDICIAL STATEMENTS—7.—(SMALL CAUSE COURTS).

Statement showing Value of Suits disposed of in the Court of Small Causes at *in the year* 18 .

VALUE OF SUITS.	Number of Suits disposed of in Small Cause Courts.	REMARKS.
Not exceeding Rs. 5		
„ „ „ 20		
„ „ „ 100		
„ „ „ 500		

JUDICIAL STATEMENTS—8.—(SMALL CAUSE COURTS).

Statement showing the general result of the trial of suits in the Court of Small Causes at in the year 18 .

CLASS OF COURTS.	Suits remaining from last year.	Instituted in 18 .	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	Contested.		Total disposed of.	Pending.	Over 2 months.	Over 4 months.	Average duration of suits		Referred to arbitration.	REMARKS.
													Judgment for plaintiff in whole or part.	Judgment for defendant.					Contested.	Uncontested.		

JUDICIAL STATEMENTS—10.—(SMALL CAUSE COURTS).

Statement showing the execution of the decrees of the Court of Small Causes at in the year 18 .

CLASS OF COURTS.	Applications to execute decrees.				Decrees completely executed.	Decrees partially executed.	Pending at the end of	Decrees executed by possession being given.	Nature and Number of coercive processes issued.						REMARKS.
	Pending.	Filed.	Received by transfer.	Total.					Imprisonment of person.	Movable property.		Immovable property.		Orders under Section 243, Code of Procedure.	
										Attached.	Sold.	Attached.	Sold.		

Circular, No. 6.

DATED CALCUTTA, THE 17TH MARCH, 1871.

The Offg Chief Justice.
Mr. Justice Loch.
" Bayley
" L. S. Jackson.
" E. Jackson.

An instance having been brought to the notice of the High Court of culpable carelessness and negligence on the part of a Moonsiff in hearing witnesses and recording evidence in cases under Section 15, Act XIV. of 1859, which misconduct has since led to the removal of the Moonsiff from office, the attention of Zillah Judges and Judicial Commissioners is drawn to the necessity of satisfying themselves that evidence is properly recorded in such cases. The Courts directs that Judges on their inspection tours will give special attention to the subject, and that they will not omit to notice it in their report.

Circular, No. 7.

DATED CALCUTTA, THE 22ND MARCH, 1871.

This Circular superseded Circular No. 1, dated 4th January, 1871; but was itself superseded, and Circular No. 1 restored to operation by Circular. No. 16, dated the 22nd May, 1871. Circular, No. 1, dated 4th January, which was for the above reason omitted in its proper place, is as follows :

(Civil and Criminal Sides.)

The Government of India having decided* that the charge for transmitting judicial records through the post, from one Court to another, shall be, as heretofore, borne by the State, and the new Post Office Rules† requiring payment of banghy postage,

---

* Govt order, Financial Department, No 3118, dated 21st November, 1870.

† Vide p. 498, Calcutta Gazette of 10th March, 1870

whenever that mode of transmission is adopted, the Court directs that Civil and Sessions Judges and District Magistrates will put themselves in communication with the Accountant General of Bengal, with a view to provision bring made for the funds necessary to meet the requirements of the rules above mentioned.

Circular, No. 8.

DATED CALCUTTA, THE 6TH APRIL, 1871.

I am directed to forward herewith for your information and guidance, and for communication to the Moonsiffs' subject to your control, the amended rule given below, which has been framed, at the instance of His Honor the Lieutenant-Governor of Bengal, for the guidance of the police employed on escort duty in connexion with remittances made by Moonsiffs, and to state that the present instructions should be regarded as superseding those conveyed in Circular Order No. 9, dated 13th July, 1868, which is hereby cancelled.

AMENDED RULE.

Rule 26.—Where Moonsiffs' Courts exist, a day in each month will be fixed by the Judge on which the money will be paid over to the police for transmission to the treasury.

Clause I.—The Moonsiff will give notice at the police station on the day before the guard is required, and the police officer in charge will himself, on the day appointed, proceed to the Moonsiff's cutcherry with a guard as directed in the above instructions.

Clause II.—The money will then be counted in the presence of the officer in charge of the guard and placed in a bag, which will then and there be sealed and made over to the guard, who will forthwith proceed with it to the treasury or sub-divisional

treasury. The officer in charge will be furnished with a memorandum of the amount.

Clause III.—The police officer will cause the bag and seal to be inspected in his presence by the treasury officer to whom it is addressed; and, while held responsible for the total amount in the bag, he will not, provided the bag and seal show no signs of being tampered with, be called on to replace any light or spurious coin that it may contain.

Clause IV.—The above rules apply to small remittances made by Moonsiffs in bags Larger remittances will be sent more securely packed.

Clause V.—The provisions of paragraphs 12 and 18* apply equally to the transport of all remittances from Moonsiffs' Courts. If a remittance be in copper coin, and exceeds six seers and one pow in weight, coolie labor should be employed.

Clause VI.—Should any necessity arise for a second remittance during the month, the same course will be pursued on due notice being given at the police station.

"12. Under ordinary circumstances the strength of escorts shall be as follows:—

For Prisoners.	*For Treasure.*
For one to three prisoners, .. 2 constables.	For sums not exceeding Rs. 30, a single constable of known integrity and trustworthiness.
„ four to six prisoners, .. † 3 ditto.	*N. B.*—If such an officer be not available, two constables should be sent.
	For any amount above Rs 30, and not exceeding Rs. 250, two constables.
	For Rs 250, and up to Rs. 500, three constables.

* Paragraphs 12 and 18 alluded to above

† Of these, one man to act as head constable.

For Prisoners.

For seven to twelve prisoners, one head constable and four constables.

For thirteen to eighteen prisoners, one head constable and six constables.

For nineteen to twenty-four prisoners, one head constable and eight constables, and so on in proportion.

N. B.—When a guard of

For Treasure.

N. B.—One of those should act as head constable.

When the sum of money transmitted under the escort of the police does not exceed Rs. 500, it should be carried by the police themselves without the employment of coolie labour.

For any amount above Rs. 500, and not exceeding Rs. 1,000, four constables.

N. B.—One of these should act as head constable.

For any sum above Rs 1,000, and not exceeding Rs. 10,000, a regular guard of at least one head constable and four constables.

For upwards of Rs. 10,000, and not more than one lakh, one head constable and eight constables.

For one to two lakhs, two head constables and twelve to sixteen constables.

Above two lakhs, one sub-inspector and two head constables, and sixteen to twenty constables, and so on; for each lakh above two lakhs four constables in addition, and officers in proportion.

When treasure is escorted

For Prisoners.	*For Treasure.*
more than 8 men is deemed necessary, additional head constables should be allowed in proportion.	by rail, a head constable and two constables are deemed sufficient; but during the transit of the treasure to the railway van, or from it, a proper guard of full strength as above must be provided. When treasure is conveyed by steamer, a guard of one head constable and six armed constables should be detailed with any amount not exceeding one lakh. The men should furnish one sentry by day and two by night, if necessary. With a despatch of treasure exceeding one lakh, the guard should be increased in proportion up to a maximum of twelve constables.

"18. All arrangements as regards carriage will devolve upon the officer to whom the escort is supplied, and will not in any way form part of the duty of the police. Prisoners and treasure should not, unless under special circumstances, be sent together.

Circular, No. 9.

DATED CALCUTTA, THE 6TH APRIL, 1871.

The returns transmitted by the local Courts of the service of writs of summons, and of notices of the hearing of appeals issued by the High Court for service within the jurisdiction of local Courts, are, in many instances,

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" Kemp.
" L. S. Jackson.

Mr. Justice E. Jackson.
" Glover.
" Mitter.
" Amslie.
" Paul
" Mookerjee.

so insufficient as to necessitate postponements, the re-transmission of such process for further proof, or the issue and transmission of fresh process for service.

2. The Courts frequently send up nothing but the Nazir's return, which is often no more than a mere report of oral statements made to him by others as to the mode of service. Such returns, without proof of the statements contained therein, are of no value.

3. By the Civil Procedure Code, whenever it is necessary that summons should be served beyond the limits of the jurisdiction of the Court which issued it, the Court which is called upon to serve the summons is, by Section 59, placed in the same situation as if it had itself issued the summons, and ought to satisfy itself that the summons has been effectually served as directed by the Act.

4. The duty of the local Courts is, notwithstanding repeated admonitions, so often imperfectly performed in this matter, that it appears to the High Court necessary to remind them that no Court can rightly proceed to hear a suit or an appeal ex-parte until it has been proved to the *satisfaction* of that Court that the summons to a defendant to appear, or notice to a respondent of the hearing of an appeal, as the case may be, has been duly served, *i. e.*, has been served strictly in such manner as the law provides.

5. The service should be personal in all cases in which personal service is practicable, and the Court ought not in ex-parte cases to act upon any thing short of personal service, until it is satisfied that personal service could not reasonably be effected.

6. The nature of the proof of service which the Court ought to require in each case, according as it falls under one or another of the various sections of the Civil Procedure Code relating to service of summons on defendants, may be shortly stated as follows :—

(1)—When the summons or notice is served on the defendant or respondent personally, the service, and the signature of the defendant on the back of the summons or copy, should be proved by the affidavit or solemn declaration recorded in writing of the person who actually effected the service; and the identity of the person served, with the party to whom the process is addressed, should be proved by the affidavit or solemn declaration of some one personally acquainted with the party to be served.

(2)—If the service be made under Section 49 of Act VIII. of 1859 on an agent, it should be proved that this person was empowered to accept service, either by reason of his being one of the class of recognized agents described in Section 17 of Act VIII. of 1859, or by virtue of appointment for that purpose in writing.

NOTE.—The party causing the service to be effected must give proof to this effect

It is a matter of which, ordinarily speaking, the serving officers would have no knowledge

(3)—If the service be made under Section 53, it should be proved by the affidavit or solemn declaration of the officer effecting the service, and, if necessary, of some other person or persons acquainted with the facts, that the defendant or respondent could not be found and had no agent empowered to accept the service, and that the person to whom the process was delivered was an *adult* male member of his family, and was actually residing with him at the time of such service.

(4)—If the service be made under Section 55, it should in like manner be proved that the defendant, or respondent, could not be found, and that there was no agent empowered to accept the service, nor any other person on whom the service could be made, and that the defendant, or respondent, *was actually duelling** in the house, on the outer door of which a copy of the process was fixed, at the time when it was so fixed.

5—If the service be made under Section 57, it should in like manner be proved that the house, upon the door of which

* The facts leading to this inference should be stated.

a copy of the process was fixed, was the house in which the defendant, or respondent, last resided,* and that the service was made in all respects in conformity with the order for substituted service, which should accompany the process.

(6)—If the service be made under Section 61, it should be proved in like manner that the summons or notice could not be served on the defendant, or respondent, in person, and that he had no agent empowered to accept the service, and that the person to whom the process was delivered was an agent of the defendant, or respondent, in charge of the land or other immoveable property forming the subject-matter of the suit.

(7)—If the service be made under Section 63, it may be proved that the summons or notice was left at the *registered* Office of the Company, or was delivered to any Director, Secretary, or other principal Officer.

(8)—If the summons or notice, when tendered, be declined by the defendant, or his agent, or a male member of his family, besides the proof required as to identity, &c., as stated above, it should be proved that the party was informed that the document tendered was a summons or notice, and that he was made acquainted with the nature and contents thereof.

(9)—The Court should in all cases obtain the proof which is above described as requisite, according to the case, either by the affidavit or verified statement of the person by whom the service was effected, and of any person who may have accompanied the serving officer for the purpose of identifying the party to whom the process was addressed or otherwise directing or assisting the serving officer; or, if deemed necessary, by the examination in Court as witnesses of such persons as the Court may think fit to examine.

(10)—When the summons which has been served is the summons of another Court transmitted to the serving Court for

* It should be stated how long and until when he resided in the house, and what has become of him.

the purpose of service only, then, upon service being effected, this latter Court should re-transmit the summons to the Court by which it was issued, together with the Nazir's return and the affidavits, verified statements or depositions of the serving officer, and the witnesses relative to the facts of the service.

7. The foregoing directions apply to, and must be followed in the cases of, all notices and judicial processes which, by Section 108 of Act VIII of 1859, are required to be served in the manner directed for the service of summons upon a defendant to appear and answer.

Certificate by Judge of due service of Summons, under Section 59.

"I do hereby certify that I did on the
"day of 18 cause a copy of the within
"summons (or notice) to be served upon the above-named re-
"spondent,"

or

" that the above summons (or notice) was not, in
"my opinion, duly served upon the above-named defendant,
"or respondent, for the following reasons:—"

ZILLAH,

Judge.

The of 18 .

Directions for Serving Officers, and forms of Returns to be made by Nazirs.

I. Nazirs in serving summonses and other process under Act VIII. of 1859, must carefully attend to the directions of the Act as to the service of process. Their attention is particularly called to the fact that, wherever it is practicable, the service of process placed in their hands should be personal.

II. They will be held responsible for the due and regular service of all process entrusted to them for service by themselves and their subordinates, and in each case for the correctness of the statements made in the return.

No peon should be retained for the service of process who cannot read and write, or who is not capable of fully and intelligently carrying out these rules in so far as they relate to actual service.

III. Forms of returns to be made by Nazirs are annexed, which should be followed as nearly as the circumstances of the case admit.

IV. In all cases if the summons or other process is served personally, and the person served signs any acknowledgment of the service, the return shall state that fact and refer to the signature of the party signing, thus—"that the said
"did at the time of such service in the presence of
" and sign the acknowledgment
"of the service endorsed on the summons (or other process)
"hereto annexed."

V. If the summons or other process was tendered and declined, it will be necessary to show that the contents of the same were brought to the knowledge of the party served.

The return must state "that the sum-
"mons (or other process) was tendered and returned, and that
"the defendant or respondent refused to receive the same,
"whereupon informed him what the document
"was and acquainted him with the nature and contents there-
"of."

FORM No. 1.

Return of service of Summons or Notice on Defendant in person, under Section 49 *of Act VIII. of* 1859.

I do hereby certify that I did on the day of
deliver (or tender* or cause to be delivered or tendered) a copy

* This word to be used if the summons has been declined.

of the summons hereto annexed under the signature of and the seal of the Court [with (if the document is in English and the party to be served be a native) a translation thereof in the language and character]to the defendant (or respondent) (name and describe him by his residence and occupation and caste, and father's name if known: state facts as to signature, &c.)

FORM No. 2.

Return of service of Summons or Notice on Agent under Section 49.

I do hereby certify that I did on the day of deliver (or tender* or cause to be delivered or tendered) a copy of the summons (or notice) hereto annexed, under the signature of the and seal of the Court [with (if the document is in English and the party to be served be a native,) a translation thereof in the language and character] to (name and describe him) in person, who is† an agent of the defendant (or respondent) empowered to accept service of the same, [or if a recognised agent state how he is so.] (State facts as to signature.)

FORM No. 3.

Return of service of Summons or Notice on a male member of the family, under Section 53.

I do hereby certify that as the defendant (or respondent) cannot be found, and has, as far as I am aware, no agent to accept service of summons (or notice), I did on the day of deliver (or tender‡ or cause to be delivered or tendered)

---

* Ante.

† If necessary "as I am informed and believe."

‡ Ante.

a copy of the summons (or notice) hereto annexed under the signature of the , and seal of the Court [with (if the document is in English and the party to be served be a native,) a translation thereof in the language and character] to the (state if relation or servant, and his apparent age) of the said defendant residing with him.

FORM No. 4.

Return of service of Summons or Notice, under Section 55.

I do hereby certify that as the defendant (or respondent) cannot be found, and there is, as far as I am aware, no agent empowered to accept service of summons, nor any other person on whom the service can be made, I have fixed (or caused to be fixed) a copy of the summons (or notice) hereto annexed under the signature of the and seal of the Court [with (if the document is in English and the party to be served be a native,) a translation thereof in the language and character] on the outer door of the house in which the defendant (or respondent) is now residing.

(State whether this is of server's own knowledge or from information and belief.)

FORM No. 5.

Return of service of Summons or Notice, under Section 57.

I do hereby certify that I have, under an order of the Court of the made under Section 57 of Act VIII. of 1859, served (or caused to be served) the summons (or notice) hereto annexed, by fixing up a copy thereof under the signature of the and seal of the Court [with (if the document is in English and the party to be served be a native,) a translation thereof in the language and

character] upon a conspicuous place in the Court House of the ; and also upon the door of a certain house (describe it) in which, as I was informed and believe, the defendant (or respondent) last resided.

FORM No. 6.

Return of service of Summons or Notice, under Section 61.

I do hereby certify that, as the defendant (or respondent) cannot be found, and has, as far as I am aware, no agent empowered to accept service of summons, I did on the day of deliver (or tender* or cause to be delivered or tendered) a copy of the summons hereto annexed, under the signature of the and seal of the Court [with (if the document is in English and the party to be served be a native,) a translation thereof in the language and character] to (name and description) who is (or as I am informed and believe is) an agent of the defendant in charge of (state what land or immoveable property) which is the subject-matter of the suit.

FORM No. 7.

Return of service of Summons or Notice, under Section 63.

I do hereby certify that I did on the day of leave a copy of the summons (or notice) under the signature of the and seal of the Court at the registered office of the Company at No. Street [or did deliver (or tender) a copy to Mr. (state what his position is) an officer of the Company.]

---

* Ante.

Circular, No. 10.

DATED CALCUTTA, THE 13TH APRIL, 1871.

The attention of all Civil Courts subordinate to the High Court is drawn to the necessity for satisfying themselves that cancellation of the adhesive stamp, in the mode prescribed by law, has been duly effected in the case of documents filed in Court between the 1st April last, when the Court Fees' Act came into force, and the time of the receipt of Circular Order, No 3, dated 17th January, 1871, which called attention to the provisions of Section 30 thereof.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" E. Jackson.

Circular, No. 11.

(Civil and Criminal Sides.)

DATED CALCUTTA, THE 13TH APRIL, 1871.

The Accountant-General having complained that great delay occurs in the submission to his Office of deposit registers and other returns of Civil Courts, the High Court, at the request of the Lieutenant-Governor of Bengal, directs the Civil and Sessions Judges and Judicial Commissioners under its control to require all Moonsiffs in their districts to submit their Treasury accounts for each month punctually on the 27th of such month.

2. These returns should include the transactions of the 27th.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" Macpherson.
" E. Jackson.

Circular, No. 12.

DATED CALCUTTA, THE 19TH APRIL, 1871.

In consequence of the altered state of the law, introduced by the Bengal Civil Courts Act (VI.) 1871, the instructions conveyed in Circular Order No. 20, dated 1st August, 1870, can no longer be acted upon, and the Circular in question is hereby cancelled.

The Offg. Chief Justice.
Mr. Justice Loch.
" Bayley.
" L. S. Jackson.
" Macpherson.

Circular, No. 13.

(Civil and Criminal Sides.)

DATED CALCUTTA, THE 11TH MAY, 1871.

The Offg. Chief Justice.
Mr Justice Loch.
" Bayley.
" L. S. Jackson.
" Macpherson,
" E. Jackson.

As the Court's Circular orders are now issued in sufficient numbers to supply with a copy not only the Chief Court of each District, but also all the Courts of the District, Civil or Criminal, the Court, at the request of His Honor the Lieutenant-Governor, and in supersession of the instructions communicated by Circular Memorandum No. 3, dated 4th June, 1869, directs that Officers subordinate to the High Court will no longer indent on the Alipore Jail Press direct for printed copies of Circulars.

Circular, Memo. No. 1.

DATED CALCUTTA, THE 17TH JANUARY, 1871.

[Merely corrects a clerical error in Circular Memo. No. 7 of 1870. The correction has been made in this edition.]

Circular, Memo. No. 2.

DATED CALCUTTA, THE 3RD APRIL, 1871.

[Substitutes a new Circular for No. 2 of 1871, previously issued. The substitution has been made in this edition.

Circular, No. 14.

DATED CALCUTTA, THE 12TH MAY, 1871.

The Offg. Chief Justice.
Mr. Justice Loch.
" " Bayley.
" " E Jackson.

The Court directs that cases of the Small Cause Court Class, where the value does not exceed Rs. 50, decided by Moonsiffs in the exercise of the powers vested in them by the Government Notification* of the 20th Feb-

* At page 417 of the *Calcutta Gazette* of the 22nd February, 1871.

ruary last, be shown separately in the Quarterly Statements A and B prescribed by Circular Order, No. 31, dated 4th November last. This will not necessitate the introduction of a fresh column, as one already exists with the superscription "Small Cause Court Class;" but it will require a distinction to be made, such as is indicated on the margin, *in* that column, between the cases decided by Moonsiffs as Small Cause Court Judges and those decided in their capacity of Moonsiffs.

Moonsiff of { Not exceeding Rs 50. / Exceeding Rs. 50.

2. All Zillah Judges and Judicial Commissioners, in whose districts Moonsiffs have been vested with the powers described in Section 20 of the Bengal Civil Courts Act, 1871, are also enjoined to require from such Moonsiffs *monthly* returns of the work performed by them in the exercise of their special jurisdiction, in the forms Nos. 1 and 2 prescribed by Circular Order, No. 12, dated 19th December, 1862, to be submitted, not to the High Court, as the returns of Small Cause Court Judges are, but to the Judge of the District. Samples of the forms are sent herewith.

3. All the Zillah Judges and Judicial Commissioners in question are at the same time instructed to exercise a strict supervision over the Moonsiffs, in respect of these cases, by frequently sending for their books and watching how the evidence is taken, and in such other respects as may be possible.

4. It is also declared that pleaders of the Junior Grade may appear in such cases before the Moonsiffs' Courts.

No. 1.

STATEMENT of Cases on the file of the Court of Small Causes of 187 .
during

1	2	3	4	5	6	7	8	9	10	11	12	13	14
				For Plaintiff.			For Defendant						
Description of Cases.	Pending at the end.	Instituted during.	Total.	On their merits.	Exparte.	Confession.	On their merits.	Total of cases decided on trial.	Otherwise disposed of.	Total of every description disposed of.	Pending at the end.	How many of these last were pending above six weeks, cause of delay, and date fixed for further hearing.	Remarks.
1. Money claims, whether on bond or other contract, ...													
2. Rent of Houses,.....													
3. Claims for personal property, ...													
4. Claims for damages, ...													
Total, ...													

The 187 *Judge of the Small Cause Court.*

No. 2.

STATEMENT of Applications for execution of decrees on the file of the Court of Small Causes at during 187 .

1	2	3	4	5	6	7	8	9	10
Denomination of Court.	Pending at the end of	Applications filed during	Total.	Disposed off.	Struck off.	Total disposed of.	Pending at the end of	Of these last the number pending for six months and upwards.	Cause of delay.

Circular, No. 15.

DATED CALCUTTA, THE 19TH MAY, 1871.

To all Judges, Subordinate Judges, Moonsiffs, &c.

The High Court has resolved to appoint you to be Commissioners for verifying petitions and swearing or affirming affidavits presented to you to be used in the High Court.

A commission for that purpose will accordingly be forwarded with this Circular for each of the Officers addressed.

The Offg. Chief Justice.
Mr. Justice Loch.
" " Bayley.
" " Kemp
" " L. S. Jackson.
" " Phear.
" " Macpherson.
" " E Jackson.
" " Glover
" " Mitter.
" " Amshe.
" " Paul.
" " Mookerjee.

In addition to the annexed General Rules for the guidance of all Commissioners appointed by this Court to verify petitions or to swear or affirm affidavits intended for its use, the following Special Rules are prescribed for your guidance, *viz.* :—

Applications by parties to a suit may be verified in the manner prescribed for plaints.

Affidavits by persons not parties to a suit when the deponent is a Hindoo or Mahomedan, shall (and in all other cases may) be affirmed in the following form :—

"I solemnly declare in the presence of Almighty God that the signature to this paper is in my name and hand-writing, and that what I have therein stated is true."

If the deponent is unable to write, he must say, "I have affixed my mark by way of signature to this paper."

Rules for the admission of applications made to the High Court on its Appellate side.

I. No application made to the High Court founded on any statement of fact shall be made otherwise than by a petition in writing, setting out the material facts, matters, and circumstances on which the applicant relies.

II. The facts stated in such petition shall be verified by the

solemn affirmation of the petitioner or by an affidavit to be annexed to the petition.

NOTE.—The affidavit may be by any person having cognizance of the facts stated. Several persons may join in an affidavit, each deposing separately to those facts which are within his own knowledge.

III. Any party opposing the grant of an application, or showing cause against a rule, who may desire to bring before the Court any facts not contained in or admitted by the petition or affidavit of the opposite party, must do so by an affidavit containing, in the form of a narrative, the material facts on which he relies.

IV. Every affidavit to be used in the High Court shall be entitled "In the High Court of Judicature at Fort William in Bengal."

If there be a cause in Court, the affidavit in support of, or in opposition to, an application respecting it, or made in it, must also be entitled in the cause.

If there be no cause in Court the affidavit shall be entitled "In the matter of the petition of" ————————.

V. Every such petition or affidavit as aforesaid containing any statement of facts, shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject.

VI. Every person, other than a plaintiff or defendant in a suit in which the application is made, presenting any petition or making any affidavit, shall be described in such a manner as will serve to identify him clearly, that is to say, by the statement of his full name, the name of his father, his caste, or religious persuasion (if he be not a Hindoo), his rank or degree in life, his profession or trade, and the true place of his residence.

VII. When the petitioner in any such petition, or the deponent in any affidavit, speaks to any fact within his own

knowledge, he must do so directly and positively, using the words "I affirm" (or "make oath") "and *say*."

VIII. Where the particular fact is not within the deponent's own knowledge, but is stated from information obtained from others, the petitioner or deponent must use the expression—"I am informed" and if such be the case, he should add, "and verily believe it to be true," or he may state the source from which he received such information. When the application rests on facts disclosed in documents or copies of documents procured from any Court of Justice or other source, the deponent shall state what is the source from which they were procured, and his information or belief as to the truth of the facts disclosed in such documents.

IX. Every person presenting a petition or making an affidavit, shall, if not personally known to the person before whom the petition is to be verified or the affidavit is to be made, be identified to that person by some one known to him; and the person before whom the petition is verified or the affidavit is made, shall specify at the foot of the petition or of the affidavit (as the case may be), the name and description of him by whom the identification is made, as well as the time and place of the identification, and of the verification of the petition or making of the affidavit.

X. If any person presenting a petition or making an affidavit, shall appear to the person before whom the petition is to be verified or the affidavit made, to be illiterate, or not fully to understand the contents of the petition or affidavit, the said person before whom the petition is to be verified or the affidavit made, shall cause the petition or affidavit (as the case may be) to be read and explained either by himself, or in his presence by a proper Officer of the Court, to the person by whom it is to be verified or made. When any petition or affidavit is read and explained as herein provided, the person before whom the petition is verified or affidavit is made, shall certify in writing, at the foot of such petition or affidavit, that it has been so

read or explained, and that the person verifying the petition or making the affidavit seemed perfectly to understand the same at the time of his verifying it or making it.

J. P. NORMAN.
G. LOCH.
H. V. BAYLEY.
F. B. KEMP.
LOUIS S. JACKSON.
J. B. PHEAR.
A. G. MACPHERSON.
E. JACKSON.
F. A. GLOVER.
D. N. MITTER.
W. AINSLIE.
G. C. PAUL.
O. C. MOOKERJEE.

The 15th May, 1871.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

CIVIL JURISDICTION.

FORT WILLIAM IN BENGAL. } VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, and so forth.

To

GREETING.

We, confiding in the care, fidelity, and circumspection of you the said do by these presents give and grant unto you full power and authority to swear or solemnly affirm, as the case may be, all and every person or persons who shall come before you in your Court, to all and every affidavit or affidavits relating to all and every application or applications for use in our High Court of Judicature at Fort William in Bengal which may be presented in your Court pursuant to Circular Order, No. 15 of the 19th May, 1871.

Witness.

Chief Justice at Fort William aforesaid.

Given under the Seal of our said High Court this day of in the year of Our Lord One Thousand Eight Hundred and Seventy.

Registrar.

Circular, No. 16.

DATED CALCUTTA, THE 22ND MAY, 1871.

(Civil and Criminal Sides)

The Offg. Chief Justice.
Mr. Justice Loch
" " Bayley
" " Macpherson.
" " E. Jackson.

The Court having been informed by the Officiating Post Master General of Bengal that he has, by a Circular, No. 3, dated 24th April, 1871, cancelled as erroneous his former Circular, No. 95, dated 30th December, 1870, of which a copy was circulated by the Court with its Circular Order; No. 7, dated 22nd March, 1871, in supersession of its former instructions (Circular Order, No. 1, dated 4th January last); and as it now appears that those instructions were correct, the Circular Order of the 22nd March, 1871, No. 7, is hereby withdrawn, and the Court directs that the instructions conveyed in its Circular Order of the 4th January,* 1871, No. 1, be observed as if they had never been superseded.

RULES

FOR THE PROMPT TRIAL OF UNDEFENDED AND OTHER SUITS FOR ARREARS OF RENT IN THE CIVIL COURTS UNDER ACT VIII OF 1869.

1. Every summons in any suit for arrears of rent not being a suit in which enhancement is sought, brought under the provisions of Act VIII of 1869, B. C., shall command the defendant to appear at the expiration of fourteen clear days after the service thereof.

---

* See page 134, *ante*, and also Circular, No 21, dated 17th July, 1871, *post*, p. 163.

2. Every such suit entered in the Register as directed by Section 42, shall be marked thus—"Rent Suit," "Baki Kházánár Mokuddama," "Baki Malguzari."

3. Immediately on the return of the summons in any such "Rent Suit," the suit shall be entered in a list of causes in form annexed to be stuck up in the Court House specifying the day for hearing which shall be on the day fixed for the appearance of the defendant or on the earliest day on which the Court shall sit after such day.

4. Each such suit shall be called on in its turn at the sitting of the Court and before suits of any other description upon the day for the hearing thereof; and in every case in which it shall be shown that the defendant has been duly served with the summons in proper time to enable him to appear and defend the suit, but the defendant does not, either in person or by any authorized Agent or Pleader, appear or make answer to the suit, the case shall be forthwith taken up and heard *ex-parte*, unless in any particular case the Court, for special reasons to be recorded in the proceedings, shall think fit to order otherwise.

5. Provided nevertheless that no suit for arrears of rent shall be called on and tried *ex-parte* when the summons shall not have been served at least fourteen clear days before the day of hearing.

6. When it shall appear that the summons has not been duly served, or that fourteen clear days have not elapsed from the date of the due service of the summons, the case shall stand over until a day to be fixed immediately after the expiration of fourteen clear days from the date of the due service of the summons.

7. In cases where the defendant appears and makes answer or desires to contest the claim, the case may either be taken up and tried at once if it appear to be likely to be a short one, or may be placed in the ordinary list of defended causes, and come on in its turn, if such latter course appear to the Judge

to be expedient with reference to the state of his file or the convenience of the parties.

List of Rent Suits in the Court of the of .

Number of Case on the Register.	Names of Parties.	Claim.	Date fixed for trial.*

Circular, Memo. No. 3.

DATED CALCUTTA, THE 26TH APRIL, 1871.

I am directed to request you will be so good as to state, for the information of the Court, what the practice is in the Courts of your district as regards the remuneration of the Nazir when he conducts sales in execution of decrees of Court. Is he allowed any remuneration; if so, at what rate, and from what source is it derived?

Circular, No. 18.

DATED CALCUTTA, THE 6TH JULY, 1871.

The Circular Orders noted on the margin having ceased to be necessary since the 1st July 1871 when the "Indian Registration Act, 1871, came into force (*vide* Section 1, Act VIII of 1871), are hereby cancelled, except in so far as they superseded any orders of prior date.

The Offg. Chief Justice.	No 21, dated 27th July,		1863.
Mr. Justice Loch.	„ 24, „	19th June,	1866.
„ L. S. Jackson.	„ 37, „	20th September,	1866
„ Macpherson.	„ 39, „	29th September,	1866.
„ E. Jackson.	„ 8, „	27th February,	1867.
	„ 7, „	12th March,	1870.
	„ 14, „	7th June,	1870.

Circular, No. 19.

DATED CALCUTTA, THE 11TH JULY, 1871.

The High Court, having recently had under consideration a number of cases in which it plainly appeared that the provisions of Section 243 of the Code of Civil Procedure had been abused, thinks it proper to call the attention of the Civil Courts generally to the purpose for which that Section was intended, and to prescribe certain rules for the better carrying out of that purpose.

The Offg Chief Justice.
Mr. Justice Loch.
" L S Jackson.
" Macpherson
" E Jackson.

2. By Section 243, Act VIII of 1859, it is enacted that "when the *property attached* shall consist of debts due . . . . . or of lands, houses, or other immovable property, it shall be competent to the Court to appoint a Manager of the said property," &c., &c.

3. The power to appoint a Manager is consequently given to the Courts in respect of property belonging to the party liable under the decree, which the execution-creditor *may have attached* with a view to sale: and Section 243 has no application whatever, except to property which is *actually under attachment.*

4. It is plain that what the Legislature intended, by this and some analogous provisions of the Code, was to prevent needless sacrifice of the judgment-debtor's property by a forced sale, and at the same time to provide for the satisfaction, within a reasonable time, of the creditor's claims.

5. The late Sudder Court, in paragraph 54 of their Circular Order, dated 29th July, 1859, directed that care should be taken not to exercise the power given by Sections 243 and 244, "so as to inflict an injury on the decree-holder."

6. While, therefore, a judicious use of the power conferred by the Section may be extremely beneficial to the judgment-debtor, without unduly postponing the creditor's remedies, an order placing property under management, which does not pre-

vide for a timely liquidation of the debt, is an unjustifiable wrong upon the creditor and benefits no one except the Manager.

7. An essential element in such arrangements, moreover, is the economical administration of the property.

8. The appointment of a Manager who is too highly paid in proportion to the value of the property, or who is wanting in the proper qualifications, withdraws an undue amount of the assets from the purpose for which they were attached, or endangers the full realization of those assets.

9. It is further to be borne in mind that an order made under Section 243 concerns only the particular attaching creditor or creditors who may have been before the Court at the time when the order was made, and will not affect the rights of other creditors to attach the same property. Should a second attaching creditor apply for an order for sale, the existence of an order appointing a Manager seems to afford no valid reason for refusing the application. Indeed it may well be that an arrangement, which was right and reasonable in view of the liabilities of the judgment-debtor which were before the Court when the order appointing a Manager was made, would be unreasonable with reference to the rights of other creditors seeking to enforce demands under decrees against the same debtor, whose remedies might be indefinitely postponed, while the first attaching creditor might be getting payment in such a manner as to suit his own convenience and the interest of the debtor.

10. The following rules are to be observed henceforward in all cases where it is proposed to place under management the immoveable property of judgment-debtors, which is already under attachment:—

I. The judgment-debtor is to be strictly examined touching the profits and out-goings, such as Government revenue, patní rent, or the like, the cost of management and the existing condition of the property.

II. The execution creditor or his pleader is to be asked by the Court whether he consents or objects to the arrangement proposed; and such consent or objection, with the grounds (if, any) of objection, is to be recorded.

III. If the creditor object and the objection be over-ruled the Court is to record, in the handwriting of the Judge, an order setting forth its reasons for placing the property under management, the amount of the debt, the profits or income of the property, and the period within which, by estimate, the debt will be liquidated. Such period, in ordinary cases, ought not to exceed two or three years. When the order is made by consent, it will only be necessary to record the last-mentioned particulars.

IV. The Court should then proceed to appoint a Manager with such establishment (if any) as may be necessary, with such remuneration as it may think proper. The expenses of management, however, should not, except under very special circumstances, exceed 10 per cent. of the gross collections or profits; and security should be required not less in amount than half the yearly collections.

V. Notice of the intention to appoint a Manager should be given at the Court-House and on the property, at least 15 days beforehand, and candidates for the office should be invited.

VI. No person should be appointed Manager, (unless with the approval of the District Judge,) who cannot read the language in which the accounts of the property are kept, and the ryots' engagements are written, or who cannot give the security required by the Court.

VII. Whenever property is placed under management, or a Manager is appointed, if the Court making the appointment be not the District Court, the order and the appointment should be reported to the Judge of the District Court, who, if he disapprove thereof, may signify such disapproval to the Court making such order or appointment; and if such Court shall

not satisfy the District Judge thereupon, the Judge should report the matter for the information of the High Court.

VIII. Whenever application is made by subsequent or other judgment-creditors for the attachment and sale of property already under management, the Court should call upon the judgment-debtor to show cause why such property should not be sold, and to give notice of such application to all previous attaching creditors; and unless it can be shown that, regard being had to all execution claims upon the property, or against the judgment-debtor, the management can still be properly continued, such property ought then to be brought to sale,—the earliest attaching creditor being of course entitled to the benefit of Section 270.

IX. Any execution-creditor who has attached the property under management may, at any time, apply to the Court to put an end to the management, and such application should be duly considered.

Circular, No. 20.

DATED CALCUTTA, THE 13TH JULY, 1871.

The Offg. Chief Justice.
Mr. Justice Loch.
" L. S. Jackson.
" Macpherson.
" E. Jackson.

At the instance of His Excellency the Governor General in Council, the High Court requests all District Judges and Judicial Commissioners to submit to this Office, in the form appended hereto, returns of duty levied on Probates and Letters of Administration granted under Part XXXI of Act X of 1865, and Certificates issued under Act XXVII of 1860.

2. The statistical information required for these returns should be preserved, in registers opened for that purpose, from the 1st July, 1871, and the first return should embrace the six months ending with December of the current year. Subsequent returns should be annual.

Probates and Letters of Administration and Certificates issued in the District of

Declared value of Assets of Estate.	Number of Probates or Letters of Administration with Will annexed	Amount of Court fees paid.	Number of Letters of Administration without Will annexed.	Amount of Court fees paid.	Number of Certificates under Act XXVII of 1860.	Amount of Court fees paid.	Total. Number of Probates, Letters, and Certificates.	Total. Amount of Court fees paid.	Number of Letters of Administration cancelled, and fresh letters issued in lieu of the original	Remarks.

Circular, No. 21.

Dated, Calcutta, the 17th July, 1871.

Civil and Criminal Sides.

In continuation of Circular Order, No. 16, dated the 22nd May last, and in explanation of Circular Order, No. 1, dated the 4th January, 1871, the Court hereby notifies that the intention of the Government of India (as since* more fully expressed,) in deciding that the Postal charge for transmitting Judicial records shall be borne by the State, is that the charge for sending records under

The Offg. Chief Justice.
Mr. Justice Loch.
" L. S. Jackson.
" Macpherson.
" E. Jackson.

* Vide Letter No. 569, dated 19th May, 1871, from Under Secretary Government of India, Financial Department, to Director General of the Post Office.

Section 343, Act VIII of 1859, which it has been the practice in some places to lay upon the parties appealing, shall be borne by the Courts themselves, and not by the Post Office.

Circular, No. 22.

DATED CALCUTTA, THE 18TH JULY, 1871.

All Judges of Courts of Small Causes, subject to the control of the High Court, under Section 4, Act XI of 1865, are hereby directed to carry out in their Courts the provisions of Circular Order No. 18, dated the 23rd June, 1870, as far as they may be applicable.

Circular, No. 23.

DATED FORT WILLIAM, THE 25TH JULY, 1871.

The following Rules are circulated for the guidance of all Civil Courts subordinate to the High Court :—

The Offg. Chief Justice.
Mr. Justice Bayley.
" Kemp.
" L. S. Jackson.
" Phear.
" Macpherson.
" E. Jackson.
" Glover.
" Ainslie.
" Mookerjee.

RULES.

1. In every case in which the Government Pleader shall appear for the Government (whether for the Government as a party on its own account, or for the Government as undertaking, under the provisions of Section 70 of Act VIII of 1859, the defence of a suit against an officer of the Government), the Government Pleader shall, in lieu of a vakalutnamah, file a memorandum on unstamped paper signed by him and stating on whose behalf he appears. Such memorandum shall be, as nearly as may be, in the terms of the Form annexed hereto.

2. In every case in which the Government Pleader shall appear on behalf of an officer or servant of the Government,

other than cases in which the Government has, under Section 70 of Act VIII of 1859, undertaken the defence of the suit, such Pleader shall file a vakalutnamah in the same manner as if he were not the Government Pleader.

FORM OF MEMO. REFERRED TO IN THE FIRST OF THE ABOVE RULES.

Title of the suit, &c.

I, A. B., Government Pleader, appear on behalf of the Secretary of State for India in Council (*or*, the Government of Bengal *or, as the case may be*), respondent (*or* &c.) in the suit. :

or, on behalf of the Government (which under Section 70 of Act VIII of 1859, has undertaken the defence of the suit), respondent (*or* &c.) in the suit.

Circular, No. 17.*

DATED CALCUTTA, THE 23RD MAY, 1871.

It having come to the knowledge of the Court that memoranda of appeals are frequently filed in the lower Appellate Courts, bearing the endorsement of pleaders who, when the appeal comes on for hearing, betray a more or less complete want of acquaintance with the case, and even with the grounds of appeal, to the loss of public time, the detriment of suitors, and the utter neglect of their professional duty, the Court lays down the following Rules, to which the sanction of the Governor-General in Council has been obtained, for the guidance of Subordinate Courts in the admission of appeals.

The Offg. Chief Justice.
Mr. Justice Loch
" Bayley.
" Kemp.
" L. S Jackson
" Phear.
" Macpherson
" E. Jackson.
" Glover.
" Dwarkanath Mitter.
" Ainslie.
" Paul.
" Mookerjee.

---

* Not issued in time to be inserted in its proper place

RULES

FOR THE

GUIDANCE OF SUBORDINATE COURTS IN THE ADMISSION OF APPEALS, MADE BY THE HIGH COURT AND SANCTIONED BY THE GOVERNOR GENERAL IN COUNCIL UNDER SEC. 15 OF 24 AND 25 VICTORIA, CAP. 104.

1. All petitions of appeal in the Subordinate Appellate Courts shall be presented in open Court either by the party in person, or his "recognized" agent, within the meaning of that term in Section 17, Code of Civil Procedure, or by a pleader.

2. In every case in which the petition is presented by a pleader, the grounds of appeal shall be drawn and signed by a pleader who, at the foot of the petition of appeal, shall subscribe the following statement :—

"I certify that I have examined the record in this case, and that, in my opinion, there are good grounds, as above set forth, for this appeal; and, having prepared it, I undertake to appear and support the appeal before the Appellate Court."

3. In every case in which the petition of appeal is presented by the party in person or by a recognized agent, and a pleader is afterwards retained by such party to support his appeal, the pleader before being allowed to appear to support the appeal shall subscribe and file in Court the following statement which shall be annexed to the petition of appeal :—

"I certify that I have examined the record and the grounds of appeal in this case, and that, in my opinion, the grounds of appeal are good, and I undertake to appear and support them before the Appellate Court."

INDEX

A.

	Page
ADMINISTRATION :	
Of Civil Justice—Directions for preparation of Annual Report on ;	125-128
ADVOCATE : See PLEADER.	
AFFIDAVITS :	
Appointment of Commissioners for taking affidavits for use in the High Court—Rules to be observed by such Commissioners, &c. ;	152-155
AGENT :	
Service of process on, how to be proved ;	140
AMÍN : See COMMISSIONERS.	
ANNUAL REPORT : See ANNUAL STATEMENTS.	
On the Administration of Civil Justice—Directions for the preparation of;	125-188
Subjects to be noticed in ;.....	52,63,134
ANNUAL STATEMENTS : See ANNUAL REPORT.	
List of Annual Civil Statements discontinued ;....	86
New forms prescribed for Annual Statements of Civil and Criminal Business, and directions for the preparation of;	83-105
APPEALS :	
Rules for the admission of Appeals to Her Majesty in Council, and for the transmission thereof to England;	64-69
Rules for the admission of appeals in the Subordinate Appellate Courts ;.....	165-166
Rules for service of notice on Respondents in appeals to Her Majesty in Council ;	20
Rules for payment of *tulubana*, service of notice on Respondents in Civil appeals to High Court, return of service, &c. ; 8-13,63,138-146	
What records to be sent up to High Court in ;....	6
APPLICATIONS :	
For information, unauthenticated copies, &c., how to be made to and dealt with by the Courts ;....	49,70

	Page
ATTACHMENT	
Of revenue-paying property, to be notified to Collector;	43,124
Rules for appointment of a Manager of property attached under S. 243, Act VIII of 1859;	159-162
AVERAGE DURATION:	
Of suits, appeals and reviews, how calculated, &c.;	37-41
Statements 6 and 6 A showing, discontinued;	86
Where now shown in the annual returns;	96

B.

BAHI YAD DUSHT: See DIARIES.	
BOAT HIRE.	
For Civil Peons;	13
BOMBAY HIGH COURT:	
Documents sent to, how to be addressed;	26-27
BOOK-BINDING:	
Allowance sanctioned for;	7
BOOKS:	
Supply of, to Judicial Officers;	1
BOUNDARIES: See MU'NSIFS,	
Assimilation of the, of Civil and Criminal Jurisdictions in Bengal;	29

C.

CALCUTTA:	
Service of High Court processes by sheriff of;	111-112
CERTIFICATES UNDER ACTS XXVII OF 1860 AND XL OF 1858:	
Copies of orders for grant of, not to be given till certificates themselves have been taken out;	49
Return of duty realized on certificates under Act XXVII of 1860;	162-163
CIRCULAR ORDERS:	
Copies of supplied to all Civil Courts;	148
CIVIL COURTS: See INTEREST, JUDGE, MUNSIF, SUBORDINATE JUDGE.	
Persons exempted from appearance in;	113,114
COLLECTOR:	
Attachment of estates and shares of estates to be notified to;	43,129
COMMISSIONERS: See AFFIDAVITS.	
Rules for the judicious exercise by Civil Courts of the power of directing investigations by Ameens or Commissioners;	60-72
Regular Amíns only to be employed—employment of Ticca Amíns forbidden;	69-70

Page

COPIES: See CERTIFICATES.
Of papers, documents &c., unauthenticated, how to be obtained; 49-53
Charge for making &c.,; 51
COPYISTS:
Employment of, how regulated &c.; 51-52,70-71
Remuneration of; 51
COURT-FEES ACT:
Cancellation of stamps issued under; 124-147
Peons' fees payable by adhesive Court-fee stamps; 110

D.

DECREES: See EXECUTION.
DEPOSITS:
Rule for avoiding delay in submission of Registers of; 147
DIARIES;
Police Station Diaries not to be unnecessarily sent for; 59
To be kept by Judges, Subordinate Judges and Munsifs; 29-31
DISTRICT JUDGE: See JUDGE.
DOCUMENTS: See EXHIBITS.
Sent to Bombay High Court, how to be addressed; 26-27

E.

EXECUTION:
Of decrees in Native States—Rules for; 21-25
Statement of applications for, discontinued; 87
Statement of applications for, now in use; 98
EXEMPTIONS:
From personal appearance in Civil Courts; 113-114
EXHIBITS:
Lists of, how and why to be carefully prepared; .. 13-14
EXPLANATIONS:
As to original cases pending when and how to be given; 71
As to appeals pending, when and how to be given;
As to miscellaneous cases pending, when and how to be given; 72

F.

FEES; See COURT FEES' ACT.
For copying; 51
For searching records; 52

Page

FERRY-TOLL:
For peons of Civil Courts; 13
FORMS:
Applications for, to be made to Superintendent of Stationery; 48
Indents from Subordinate Judges and Munsifs to be sent through their superiors; 48,116

H.

HIGH COURT:
Affidavits for use in, how taken, entitled &c.; 152-155
Rules for payment of *tullubana*, Service of notice in civil appeals to, Returns of Service &c.; 8-13,138-146
Rules for admission of appeals to Her Majesty in Council and transmission thereof to England by: 64-69
What records to be sent to, in appeal; 6
HOLIDAYS:
For the year 1869, ... 2,3,5
For the year 1870, ...16,17,18,19
For the year 1871, ... 107,108,109,110

I.

INDENTS: See FORMS.
INTEREST:
Rate of, to be awarded by Civil Courts; 43-44

J.

JUDGE (DISTRICT JUDGE): See ANNUAL REPORT, ANNUAL STATEMENTS, MU'NSIFS, SUBORDINATE JUDGES, QUARTERLY RETURNS.
Affidavits when and how to be taken before; ..46-47,152-155
Applications for transfer by Subordinate Judges and Munsifs to be made through; 6-7
Appointment by Subordinate Civil Courts of Managers of property attached under S. 243, Act VIII of 1859 to be reported for sanction by; .. 161
Certificate by, of service of summons and notices issued by the High Court; 142
Copies, information &c., how obtained from office of; 49-55
Copy of order by Subordinate Court for local inquiry to be sent to; 62-63
Diaries how to be kept by; 29-31
Employment of licensed copyists by; 51
Forms how to be indented for by,—New forms may be suggested by; 48
Judges of S. C. Courts to submit what annual returns to; 129-133

Page

JUDGE.—*Continued:*
Law-books supplied to; 1
May extend to Subordinate Civil Courts the provisions of C. O. No. 18 of 23rd June, 1870, relating to copyists &c.; 70-71
May not delegate to Subordinate Judges or Munsifs their duties in respect of Privy Council Appeals—Nature of these duties, &c., ... 64-69
May propose an increase in the number of Civil Court Amíns; 70
Monthly Statements of business to be submitted to, by Subordinate Judges and Múnsifs; 115-123
Procedure before, in order to the exercise by the High Court of its power of superintendence over Small Cause Courts; 46-47
To examine the Copyists' Registers of his Court; .. 52
To exercise what supervision over Munsifs vested with S. C. C. powers; 148-149
To satisfy themselves that evidence is properly recorded in cases under S. 15, Act XIV of 1859; 134
Weekly returns of suits instituted under articles 14, 15, 17, Schedule II of the Court-Fees' Act to be submitted to—Object of this order; 44
JUDICIAL STATEMENTS: See ANNUAL REPORT, ANNUAL STATEMENTS, JUDGE, QUARTERLY STATEMENTS.

L.

LANGUAGE:
In which Court may be addressed; 5
LAW-BOOKS:
Supply of, to Civil Courts; 1
LETTERS OF ADMINISTRATION:
Return of duty realized upon; 162-163
LIBRARIES; See BOOKS.
LOCAL INVESTIGATIONS: See COMMISSIONERS.
Regulation of the discretion of Civil Courts as to; 60-62
LUCKNOW:
Processes sent for service to, how to be addressed; 28

M.

MANAGER
Rules for the appointment of Managers of property attached under S. 243, Act VIII of 1859; 160-162
MISCELLANEOUS CASES:
What to be entered as, in the Returns of Civil Business; 72

	Page
MU'NSIFS:	
Boundaries of, arranged and defined;	7,29,31
Lists of villages in, to be prepared;	15
MU'NSIFS:	
Additional, employed to meet the press of work arising from the transfer of Rent suits;	106-107
Applications for transfer by, to be sent through District Judge;	6-7
Appointed Commissioners for taking affidavits for use in the High Court;	152-155
Diaries how to be kept by;	29-31
Indents for forms by, to be sent through District Judge;	48,116
Law Books supplied to;	1
Monthly Statements of Business to be submitted by, to District Judge;	115-123
Remittances by, to Sádr Station—Rules for;	135,138
To submit their Treasury accounts punctually on the 27th of each month;	147
Vested with S. C. C. powers to be how supervised by, and to submit what special returns to the District Judge;	148-151
Weekly Statements of institutions under articles 14, 15, 17, Schedule II of Court Fees' Act to be submitted by, to District Judge;	44
N.	
NATIVE STATES:	
Rules for execution of decrees in;	21-25
NAZIR:	
Duties of, in respect of service of summonses and notices issued by the High Court;	142-146
Remuneration of, when executing decrees;	158
Travelling allowance of Nazirs of S. C. Courts; ..	27-28
NOTICE: See APPEALS, JUDGE, NAZIR, PROCESS.	
O.	
OFFICE:	
Of District Judge—Information, copies, &c., how to be obtained from;	49-55
These rules may be extended to Subordinate Civil Courts;	70-71
P.	
PENDING CASES: See EXPLANATIONS.	
PEONS:	
Appointment of men who were thrown out of employment in the Revenue Courts;	46
Fees payable by adhesive Court-Fee stamps;	111
Account of value of such stamps to be kept;	111

Page

PEONS' FEE FUND :.
Statement of, discontinued ;..... 87
PERSONAL APPEARANCE : See EXEMPTIONS.
PLAINTS : See VERIFICATION.
PLEADERS : See APPEALS.
Memo. to be filed by Government Pleader when appearing for Government or a Government Officer ; 164-165
Notification as to Raichurn Ghose ; 70
To attest with their signaturos entries in the Court Diary ; 29
May address Court in English when ;..... 5
POLICE OFFICERS :
To be summoned through their superiors ; 59
Duties of, in connection with Munsifs' remittances ; 135-138
POST OFFICE ;
Transmission of official correspondence, records &c., by—Rules to be observed by Civil Courts for ; 42-43,106,114,134-135,156
Processes in cases appealed to High Court or Privy Council may be sent 'On H. M.'s service' through ;..... 57
PRIVY COUNCIL : See APPEALS.
PROBATES :
Return of duty realized upon, when and how to be made ; 162-163
PROCESS :
Forms of returns of service of, by serving officers ; 142-146
In appeals to High Court or Privy Council may be sent through post "On H. M.'s service" ; ... 57
Revision of agency for service of ; 32-36
Rules for service of summonses and notices of hearing of appeals issued by the High Court, returns of service by the Local Courts, &c.,8-13, 20,138-146
Cost of such service how met ;..... 63
Sent to Lucknow for service how to be addressed ; 28
Service of High Court process by sheriff in Calcutta ;..... 111-112
Service in the Mofussil of process forwarded by Calcutta Court of Small Causes ;..... 59-60

Q.

QUARTERLY RETURNS or STATEMENTS :
List of Quarterly Civil Statements discontinued ;.. 73
Of Civil and Criminal business, New forms prescribed for—Directions as to preparation of &c., 71-82

Page

R.

RECORDS:
Fee for searching; 52
Rules for transmission of, by post; 42-43,106,114,134-135,156
Who admissible to Record-Room to search records; 52
REGISTRATION:
Cancellation of Circulars relating to; 158
REMITTANCES:
By Múnsifs to Sádr Station—Rules for; 135-138
RENT CASES:
Additional Mùnsifs appointed for disposal of; 106-107
How to be shown in the Returns of Business; 58
Judges to watch carefully the results of the change in the law as to trial of; 112
Rules for the trial of; 156-157
RESPONDENTS:
In Civil appeals to the High Court—Service of notice on; 8-13,139-142
RETURNS: See PROCESS, STATEMENTS.
ROZNAMCHAS: See DIARIES.

S.

SECURITY:
In cases of appeal to Privy Council; ..... 64-65 &c.
SERRISHTADAR:
Duties of, as to supplying information, copies, &c., from Judge's office; 49-51
Vacancies in office of; 57-58,147
SERVICE: See PROCESS.
SHERIFF: See CALCUTTA.
SLIP FORMS:
For monthly returns of Civil and Criminal authorities, subordinate to District and Sessions Judges; 115-123
SMALL CAUSE COURTS:
Information, copies, &c., how to be obtained from; 49-55
Judges of, to submit what Annual Returns to District Judges; 129-133
Mode of procedure before District Judge in order to the exercise by the High Court of its power of supervision over; 46-47
Travelling allowance of Nazir's establishment of; 27-28
STAMPS: See COURT-FEES' ACT.
STATEMENTS: See ANNUAL STATEMENTS, QUARTERLY.
Blank Statements not to be sent up; 2
Monthly Statements to be submitted to District

	Page
Judges by Subordinate Judges and Múnsifs —Slip Forms for;	115-123
STATIONERY: See SUPERINTENDENT OF STATIONERY.	
Allowance sanctioned for;	4,7
SUBORDINATE JUDGES: See JUDGE.	
Applications for transfer by, to be sent through District Judge;	6-7
Appointed Commissioners for taking affidavits for use in the High Court—Rules for taking, &c.,	152-155
Diaries how to be kept by;	29-31
Law Books supplied to;	1
Indents for forms by, to be sent through District Judge;	48-116
Monthly Statements to be submitted by, to District Judge—Slip Forms for;	115-123
SUMMONS: See PROCESS.	
SUPERINTENDENT OF STATIONERY:	
Applications for printed and lithographed forms to be made to &c.,;	48
T.	
TRANSFER:	
Applications for must be sent through District Judge;	6-7
TRAVELLING ALLOWANCE:	
Of Nazir's establishment of Small Cause Courts—Bill for, how to be drawn;	27-28
TULUBANA:	
Payment of, for service of notice in Civil appeals to High Court;	8-13
V.	
VAKI'L: See PLEADER.	
VERIFICATION:	
Of plaints to set forth *day* and *place*;	37
VILLAGES:	
List of, to be prepared showing the Múnsifís and Thanah jurisdiction of each;	15,31

The following Circular Orders (Civil Side) have been cancelled in whole or in part since the publication of the previous series and since the present series went to press. A pen should be drawn through the portions no longer in force.

Page.	Circular Order cancelled in whole or in part.	How far and by what C. O. cancelled.
15.	No. 12 dated 19th December, 1862.	In part by No. 5 dated the 25th February, 1871.
37.	No. 21 „ 27th July, 1863.	Wholly by No. 18 „ „ 6th July, 1871.
77.	No. 10A „ 26th April, 1864.	Para. 8, by para. 10 of No. 31 dated 4th November, 1870.
153.	No. 24 „ 19th June, 1866.	Wholly by No. 18 dated the 6th July, 1871.
175.	No. 37 „ 20th September, 1866,	Wholly by No. 18 „ „ 6th July, 1871,
176.	No. 39 „ 29th September, 1866.	Wholly by No. 18 „ „ 6th July, 1871.
186.	No. 6 „ 18th February, 1867.	Wholly by No. 6 „ „ 31st May, 1869.
189.	No. 8 „ 26th February, 1867.	Wholly by No. 18 „ „ 6th July, 1871.
225.	No. 9 „ 13th July, 1868.	Wholly by No. 8 „ „ 6th April, 1871.
New Series.		
20.	Circular Memo. No. 3 dated 4th June, 1869.	Wholly by No. 13 dated 11th May, 1871.
37.	No. 6 dated 9th March, 1870.	Statements 6 and 6 A discontinued by No. 32 dated 8th November, 1870, see p. 86 of this Vol.
42.	No. 7 „ 12th March, 1870.	Wholly by No 18 dated 6th July, 1871.
47.	No. 14 „ 7th June, 1870.	Wholly by No. 18 „ 6th July, 1871.
57.	No. 20 „ 1st August, 1870.	Wholly by No. 12 „ 19th April, 1871.

N. B. The Introduction of new Quarterly and Annual Statements for both Civil and Criminal Business has virtually superseded a number of Circulars and parts of Circulars, which have not been, however, expressly cancelled.

The following works are procurable from Messrs. Butterworths, 7, Fleet Street, London, Publishers to the Queen's Most Excellent Majesty. Messrs. Thacker, Spink & Co., Calcutta. Messrs. Higginbotham & Co., Madras, and Messrs. Thacker, Vining & Co., Bombay.

A CHRONOLOGICAL TABLE

OF

AN INDEX TO, THE INDIAN STATUTE-BOOK

From the Year 1834,

WITH

A GENERAL INTRODUCTION TO THE STATUTE LAW OF INDIA.

BY

C. D. FIELD, M. A., LL.D.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW; AND OF H. M.'S BENGAL CIVIL SERVICE.

A Supplement bringing the Subject down to August, 1871, is now ready.

Price, with Supplement; Rs. 21: *or, Postage included Rs.* 22-8 *cash.*

N. B.—The plan of this work is similar to that of the Table and Index for the Home Statute-Book recently published by the Statute Law Committee. The *Index* enables the Law on any subject to be found in a moment. The *Table* shows how far every Act of the Governor-General of India, of the Governors of Bombay and Madras, and of the Lieutenant-Governor of Bengal, has been *repealed, amended, or altered.* The necessity for all persons who have to say to the administration of justice being acquainted with the state of the Statute Law for the time being, has led in India as well as in England to various editions of the Statutes containing only those portions in force at the time of publication. Such editions labour under *four* very great disadvantages: They are cumbrous; they are expensive; they contain in many instances no information as to the repeal of Statutes not included therein (information often required in cases in which the cause of action has arisen prior to recent repeals); they become almost useless in a few years, as subsequent repeals and amendments alter the state of the Law. The "Table and Index" for the Home Statute-Book, compiled under the direction of the Statute Law Committee, and published by the authority of Her Majesty's Government, has taken the place of a comprehensive edition of the *whole of the Statutes.* It is portable and convenient for reference, its cost is but a fraction of that of any edition of the Statutes themselves. It contains in an accessible form all the information necessary to show what portions of the Law are at present in force.*

---

* Those who have not seen a copy of the "Table and Index" published at home may take an interest in the following extract from the preface:—

"This volume contains two works which, though separate, are arranged for combined use.

The first is a Table for all the Statutes, arranged in order of date.

The second is an Index to enactments in force.

The Chronological Table is framed with those objects:—

(1.) To show what Acts are not in force, and how the same have ceased to be in force (by express repeal or otherwise):

(2.) With respect to Acts wholly or partly in force to give the respective

The similar work executed almost simultaneously for the Indian Statute-Book by the Author, presents all the above advantages, while, in consequence of the field of labour not being so extensive, greater detail has been achievable. The volume is also so arranged as to admit of being easily kept up to date by the entry of all repeals, amendments, &c., made subsequent to the time of its publication.

Such repeals, amendments, &c. will also be embodied in a Supplement published annually in or about July, thus keeping the whole subject up to date until the publication of a fresh edition. Complete copies of the mere Acts are to be found in every Court and public office. *The Chronological Table and Index* will enable all of them to be used without risk of error.

The *Introduction* has, by order of the Council of Legal Education been made part of the course of Indian law prescribed for students reading for the Bar.

OPINIONS OF THE PRESS.

"A word of criticism about this book will be sufficient. It is a work of indisputable utility, and Mr. Field has prepared it with the utmost care and on the best method. The introduction, which is a very condensed summary of the Statute Law of India, shows that the author is thoroughly master of his subject, that he is an industrious reader, and that what he has read he has duly digested He does not indulge in a syllable of comment. In the fewest possible words, and generally in the language of the Statutes, he gives us an essay on the Statute Law of India which will be of incalculable use to the student and to the lawyer. The body of the work consists of tables. In one column is the year; in another the number of the Act and of Sections therein; in another the title or description, date of passing, &c; in another how far and by what other Acts it is repealed, amended, or altered Upwards of 1,200 Acts are thus dealt with, and we are enabled at a glance to see the date and general purport of an Act, and whether it is in force, or in what Sections it has been repealed, or if it has been wholly repealed A copious alphabetical Index of subjects makes the volume complete as a handy work of reference. Having set forth the contents of this book, we have done enough to recommend it to all who in any way have to do with the Law of India. The profession cannot fail to appreciate the labour and ability of the author." —*London Law Journal, 7th October.*

"The reputation achieved by the author by his previous works relating to "Protestant Curates," the "Law of Evidence," "Indian Law Reform," "The Rent Question in Bengal," will suffer no loss by the present publication, &c. Everything that long experience and untiring care could do to make the work perfect of its kind has been done To the practitioner in the Indian Law Courts the book will be invaluable, whilst the student will find it save him many hours of toil and search."—*Home News.*

"Goes beyond a mere Table or Index in having prefixed to it an Introduc-

---

heads in the Index under which the enactments in force (with other enactments on the same subject) will be found:

(3.) With respect to Acts partly in force to give any express partial repeals thereof (but not to give other operations on Acts wholly or partly in force,—as amendments, extensions, or perpetuations,—these being traceable by the Index).

The Index is framed with the object of indicating generally the subject matter of enactments in force, not of giving a detailed analysis of each Act.

It is intended not to furnish an exhaustive summary of the Statute Law under each head, but to serve as a guide to a person desiring to find out the enactments bearing on a given subject."

tion fully and clearly explaining the nature of Indian Legislation, and the special rules to be observed in the interpretation and construction of Indian Acts and Regulations, as well as the present power of the Governor-General in making laws under the Act of the last Session of Parliament, which will be found specially useful to Law students and practitioners."—*Englishman.*

Mr Field's name is already familiar to the student of Indian Law as the author of several important legal works, among which may be mentioned the "Law of Evidence in India," "Rent Law Procedure in Bengal," and "Indian Law Reform." But, although the present work, if we except the Introduction, is substantially a compilation, it will, if we mistake not, for importance and usefulness take precedence of all Mr. Field's other labours. The Acts, arranged as they are here in Chronological Order, are easily traceable. By a simple yet judicious tabular arrangement, Mr. Field has succeeded in compressing into some 270 odd pages, a mass of essential information regarding every Act of the Imperial and Subordinate Legislatures passed since 1834:—that is to say, every repeal, amendment, or alteration in the Indian Statute-Book since the year mentioned is shown at a glance. Mr. Field has appended to the work a carefully-prepared Index, which refers to the repealed as well as to the unrepealed Acts, *the distinction being marked by a typographical indication.* Many of the Acts incorporated in this work are of general application, and are operative in one or all of the Presidencies, or in other parts of India. Such partial or entire application is also indicated. To render the work specially useful to the student of Indian law, Mr. Field has written a comprehensive Introduction to the study of the Statute-Book, dealing *seriatim* with the Acts of Parliament, and Regulations of the Bengal, Madras, and Bombay Codes. The penultimate section of this paper is devoted to a discussion of the rules for interpreting and construing Indian Acts In short, with Mr. Field's work in his hands and with the Acts themselves to refer to, the Native aspirant for admission to the High Court or for the Barrister's diploma could wish for no better assistance or aid in the prosecution of his studies. To the Bench as well as the Bar of India, the work will prove specially serviceable, since the tedious yet necessary references, involved in determining what portions of the older Statute Law have become obsolete, are here strikingly obviated."—*Indian Daily News.*

The work is of great value, one of those laborious compilations, that save immense labour to other people. You can turn in a moment to any Act from 1834 downwards, and know exactly where and how to find it. We have no doubt it will have a large sale in India and among Englishmen interested in India."—*Friend of India.*

Mr. Field has already made a name in connection with local legal literature. He has made law his special study, the proof of which is seen in the valuable introductory essay he has given on India Statutes."—*Hindoo Patriot.*

"Mr. C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-law, and of H. M.'s Bengal Civil Service, is about to publish almost immediately a Chronological Table of, and Index to, the Indian Statute-Book. This work will, we understand, show how far every Act of the Governor-General, of the Governors of Madras and Bombay, and of the Lieutenant-Governor of Bengal, has been repealed, amended, or altered up to-day. It will be an accurate key to the Statute-Book, showing exactly what is in force and what has been rescinded. It is similar in plan to, though more comprehensive in detail than, the work recently published for the Statutes of Great Britain by the Statute Law Commissioners. The one is the work of an individual, the other that of a highly paid body chosen for the execution of the task. Dr. Field has also published, during his stay in England on furlough, a work on ecclesiastical law, which has been favourably received. His work on "The Law of Evidence in India," which was so favourably reviewed some three years ago, was recently made a text-book for the lectures and examinations in Indian law, lately established in the Inns of Court of London, &c., &c. The other important work, viz., "A Revised Edition of the Bengal Regulations," which he has been engaged upon for more than two years, is delayed only pending certain suggestions made for further repeals."—*Home News.*

THE LAW

RELATING TO

PROTESTANT CURATES

AND THE

Residence of Incumbents on their Benefices

IN

ENGLAND & IRELAND.

OPINIONS OF THE PRESS.

"A clear and concise exposition of a branch of the law not often brought under the notice of solicitors, but of considerable interest to the clergy."—*Law Times, April 23rd.*

"At all events curates now have no ground of complaint, because the treatise before us is a very intelligible and tolerably full exposition of the laws with which they are immediately concerned."—*Law Journal, February 25th.*

"A copious index."—*Daily News, March 14th.*

"The Law relating to Protestant Curates in England and in Ireland will be hailed with pleasure by the many to whom, as the author says, the state of the law is unknown, and not to be easily ascertained in the confusion and complexity of the law-books. The volume is compiled by C. D. Field, M.A., LL.D., author of "The Law of Evidence in India," whose credentials entitle his book to hearty confidence; and he has given it a useful feature by placing the English and the Irish legislation in parallel columns."—*Daily Telegraph, March 14th.*

"When an author undertakes a treatise upon a limited branch of the law, it is expected that he shall be accurate, and exhaust the subject. Dr. Field is accurate, so far as we can judge, and has completed his self-elected task satisfactorily. Many questions are continually occurring as to the status of curates; the power of the bishops to appoint curates; their salaries and duties; and a compendious guide to the law is serviceable to the clergy of all ranks and to the bar. There are many sound common-law lawyers who know very little about ecclesiastical law, and a condensation of a portion thereof is often most useful. As the Church in Ireland is in a transition state, Dr. Field comes opportunely to the aid of ecclesiastics and of laymen. He rightly suggests 'that a knowledge of the law, as it is, must precede a discreet exercise of the power to alter and modify; and acquaintance with what has been done in the past is the only safe guide to innovation and reformation which will bear good fruit in the future.' The vast number of statutes bearing upon the law of curates renders a legal guide necessary, and also the many decisions on their interests. Dr. Field has done his work judiciously, and a copious index renders the results of his labours readily available to others."—*The Press and St. James's Chronicle, March 5th.*

"Those who consult this plain and simple exposition of ecclesiastical law cannot fail to meet with such advice as will be most serviceable in all cases wherein such reference is desirable. To the clergy the service it will render will be most valuable."—*Bell's Weekly Messenger, April 25th.*

"This small volume contains, in a concise form, the law, common and statutory, which regulates the *status* of curates in England, and which until next January will regulate it in Ireland. The information it contains appears to be accurate and well-arranged."—"*Solicitors' Journal,*" *June 10th.*

THE

GENERAL RULES AND CIRCULAR ORDERS

OF THE

CALCUTTA HIGH COURT,

(Civil and Criminal Sides.)

From 1862 *to* 1868, *with a Supplementary Volume in continuation to September*, 1871, *with Indices, &c.*,

BY

C. D. FIELD, M. A., LL.D.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW AND OF H. M.'S BENGAL CIVIL SERVICE.

Price of the two Volumes,..... Rs. 10.

N. B.—As an *Appendix* to the second volume will be given two *Indices*, one to such of the Civil, and the other to such of the Criminal, Circular Orders of the old Sádr Court, as can be supposed to be in force at the present time.

INDIAN LAW REFORM, ... 3 0

"The writer appears to be master of his theme, and his suggestions are both sensible and bold. Some of the proposed reforms might be advantageously entertained at home."—*London Law Times.*

RENT LAW PROCEDURE IN BENGAL, being a practical treatise intended for the use of all who have to deal with the law of land, whether as Landlords, Tenants, or Judicial Officers,.....Rs. 6 0

RENT LAW PROCEDURE, translated into Bengalee, ... 2 0

THE RENT QUESTION IN BENGAL, or, SHOULD ACT X. BE ALTERED?..... 2 0

"The Rent Question in Bengal is treated in a masterly and philosophical manner."—*London Law Times, August 4th*, 1866.

THE LAW OF EVIDENCE,

WITH

MORE ESPECIAL REFERENCE TO THE COURTS OF BRITISH INDIA,

NOT ESTABLISHED BY ROYAL CHARTER

"We should imagine that the work before us will prove to be one of very great utility The work is one of the most modest character, and pretends only to collate from such works as those of Taylor, Goodeve, Norton, and other authors of admitted authority, yet in the narrow compass of fifty pages, (Part I) is a most admirable abstract of the principles of the Law of Evidence, arranged in so perspicuous a manner, and striking so carefully on the most important parts, as to be worthy the attention of an English, no less than an Indian student ... Part II. of the treatise before us is the more worthy of applause in that the Author has succeeded in a field rarely blessed with success The most laborious of Scotchmen gets confounded in an attempt to make light reading out of a Dictionary, an industrious Englishman would scarcely think notes to an Act of Parliament lively · yet here we really have the statutory fragments of Indian Law relating to evidence commented on step by step in a manner not only readable, but positively inviting. As to the necessity or demand for such a work as we have here, we may be content in proof thereof to cite from a judgment of the Privy Council on an Indian appeal delivered by Dr Lushington." "It is unfortunately," said the learned Judge, "too much the habit of those Courts to receive documents without that just discrimination which would prevail, were the rules of evidence known and established. Their Lordships may lament the great latitude with which documentary evidence is received, but it would be contrary to practice in any particular case to visit upon an individual penal consequences, because the administration of justice was not more strictly conducted with reference to the admission of evidence."—*London Law Journal.*

N B. This Work has been made a text-book for students of the Inns of Court, desirous of qualifying in Indian Law preparatory to a call to the Bar. It is unfortunately now out of print, but the Author has been for some time engaged upon a second edition which he hopes ere long to lay before the Public.